A TREATISE TOVVCHING THE RIGHT, TITLE, AND INTEREST OF THE MOST excellent Princesse Marie, Queene of Scotland, And of the most noble king Iames, her Graces sonne, to the succession of the Croune of England.

VVherein is conteined as well a Genealogie of the Competitors pretending title to the same Crowne: as a resolution of their obiections.

Compiled and published before in latin, and after in Englishe, by the right reuerend father in God, Iohn Lesley, Byshop of Rosse.

VVith an exhortation to the Englisch and Scottish nations, for vniting of themselues in a true league of Amitie.

An 1584.

All Britaine Yle (dissentions ouer past)
In peace & faith, will growe to one at last.



PACIS NVNCIA

Encreaſe of bleſſe expected long
In Britain was begonne:
VVhen ſuche a mother dyd bring foorth
VVith ſo good happe a ſonne.



Through princelie grace and pietie
Great is the mothers fame,
The king her ſonne doth yeeld muche hope
To imitate the ſame.

TO THE SACRED AND MOST MIGHTIE EMPEROVR: AND TO THE MOST HIGH AND PVISSANT kynges and Soueraigne Princes of Christendome, Iohn Lesley, Byshop of Rosse wysheth peace and perpetuall felicitie.

SACRED AND MOST MIGHTIE Emperour, and ye most puyssant kynges and Princes Christian, yf you call to mynde and memorye all formes of common wealthes, wherein diuerse people in tymes past (aswell heathen as Christians) haue bene preserued: you shall finde none, eyther for peace and tranquyllitie more establisshed, or for Maiestie more gloriouse, than that, where one hathe gouerned, whiche laufullie entred, as right heyr in succession: and moderated all thinges with sincere indifferencio, as a Iust and vpright Iudge. And, to omitt, that this forme of Gouernemét resembleth that regimét, wherwith God ruleth the whole world, and how therfore it is the best: to omitt also that the leagues of forrain Princes, with their mariages, and mutuall agreementes in loue and amitie are herein also included, and how therfore it is profitable: Likewyse to lett passe the generall peace, quiett, and tranquillitie whiche this assureth to all men, and how therfore it is amiable, the trueth of this matter will more euidentlye appear, if you deeply consider what iniuries and calamities the people of that country is forced to endure, where an vsurping Tyrāne, not by right of succesſiō, as laufull heir vnto his aunceſtor, but by ambition & stronghand violently intrudeth hym selfe vpon an other mans right & possession. For suche a one, (by vexing his subiectes with continuall fear, & oppressing them with wicked exactions, and more wicked morders) sticketh not to subuert all lawes of God & man, to the ende that he may rule all alone. Thus whiles he most cruelly tirannizeth ouer his subiects, and they most mortally doe hate hym: what mischieses and

miſeries do not burſt in vpon any nation by ſuche a deſperate head and ſuche diſcorde of membres? Vherupon it foloweth well in my Iudgement, that the good will of Princes toward their ſubiectes, and the loue of Subiectes toward their Princes is the ſureſt meanes to keepe and preſerue the publick weal of any Countrie: In ſomuche as, what Region ſo euer wanteth this, muſt eyther be deuided in it ſelfe, and torne in peces with domeſticall troubles: or fall in to the handes of ſtraungers. Therfore of all nations that haue bene in any age, I finde none, that by this coniunction of mutuall amitie hathe not bene aduaunced with great felicitye: and none on the other ſyde, that by want therof hathe not, eyther lyke a ſore diſeaſed or wounded bodye languiſhed miſerablye: or vtterly deuolued in to extreme ruyne and deſtruction. Yea, ſuche miſruled nations haue not alone taſted the calamities of their enormityes: but haue wickedlye alſo caſten out their venim vpon others: and with ſuche contagious poyſon, haue infected their neighboures rownd about them. So as all Princes Chriſtian, that deſire long to Raigne, haue hereby to note and learne, how it behoueth them, not onlie to rule their own Countries without all manner of Tirannie: but alſo to prouyde (ſo muche as in them lyeth) that their neighbours be not oppreſſed by Tyrannes. For ſuche neyghborhoode can not be but contagiouſe: becauſe it is the nature of Tyrannes, firſt to ranſake and ſpoyle their own people, and afterward to breake owt vpon others, and to ruyne them, all manner of wayes. And this I wryte, to the ende, that all Chriſtian Princes, aſwell for their own ſake, as for Charitie alſo toward their Chriſtian neighbours, ſhould haue ſome ſpeciall care to helpe, that my Soueraigne Ladye Marye, Queene of Scotland, and the moſt noble King her ſonne be not excluded, and barred frome their right of inheritance and ſucceſſion to the Croune of England, after the laufull yſſues of King Henrye the eyght be all deceaſſed: Leaſt that, by vniuſt intruſion and inuaſion of vnlaufull vſurpers, the true heyr be defeated, that floriſhing Kyngedome by tyrannie ruyned, and the neighbours adioyning contagiouſlye annoyed. Fort ſithe it is euidently knowen, that all thoſe commodities and riches wherwith England hathe plentifully furniſhed, not onlye it ſelfe, but other countries alſo, haue growen ſpecially by this occaſion, that it hathe

bene

bene hitherto ſweetlye and peaceablye gouerned by the true and laufull heyrs, to the great honour of the Gouernours, and commoditie of the Subiectes: and ſeing it is alſo manifeſt, that after the deceaſes of all the yſſues laufullie deſcended from Kyng Henrie the eight (as I ſayd before) the Kyngdome of England by right euery waye belongeth vnto Marye the Queene of Scotland: who ſeeth not, that if the ſame Ladye be excluded from her right: then not only that Realm ſhall be ſpoyled of their own commodities, and their neighboures want thoſe helpes which they haue long enioyed: but alſo, that Region wilbe a neaſt of Tyrannes, where euery familie ſhall robbe it ſelfe, and as mere ſtraungers ſpoile and morder one an other?

Now then, becauſe ſome vniuſt Competitors incenſed with deſire of rule, doe couer their ambition by pretending a title to the Croune of England: I thought it to be a part of my duetie, to infringe their vntrue ſurmiſes: and by ſtrong and weightie argumentes to proue, and ratifie the laufull title and right of the Queene and Kynge my Soueraigne Princes. For ſo, I hope it will fall owt, that all Chriſtian Kinges and Potentates will more reddelye performe ſuche honorable offices of Courteſie aud Charitie, as all Princes owe one to an other: and that ſpeciallie, when they ſhall ſee the veritie, integritie, and iuſtice of this cauſe ſo expreſſelie declared, as no ſcruple therof can ſtick in the hart of any indifferent perſone. For thoughe generallie all Chriſtian Kynges are (as it wer) ſo lynked to gether, as they ſhould aide and defende eache others honour and dignitie in reſpect that they are Kynges: Yet euery one of them in ſome one or other particulrr reſpecte is ſo allied vnto the Queene and Kyng of Scotland, as they owght to take her part, and to ioyne with her againſt her enemies. And (to ſurceaſe from ſpeaking any more of the common bond of loue among all Princes generallye) I may not herein ouer paſſe that godlye father which ſittethe in the holy Seat, and (as it is well knowen) like a ſecond Samuel will not anoint with holye oyle, (that is to ſay, confirme by his authoritie) any other to be rulers ouer Chriſtians, than ſuche Princes as might well ſeme to be Sauls and Dauids, whiche repreſented the perſones of all laufull Kynges. For beſide her vndoubted right of Succeſſion (which is accounted a kynd of diuine callyng and cheyſe to a Kyngdome) this may ſpe-

ciallie perſuade hym to defend her as his daughter, whiche neyther by ſtraitneſſe of priſon, nor by any kinde of affliction could be hitherto ſeduced from honoring him as her father. VVhat nede is there to call vpon the moſt ſacred Emperour, and other Kynges and Princes in particular, ſith they are all allied vnto the ſayd noble Queene, eyther by a ſure knot of amitie, and frendſhip, or by a moſt faſt bond of conſanguinitie and kynred? Neyther is it neceſſarie to proue this by genealogies and pedegrues, ſeing the world allredye knoweth that ſhe is deſcended, both by father and mother, from the moſt noble Princes, Kynges, and Emperours of the whole Chriſtian worlde.

As for the nobilitie and Commons of England, this ſhould moue them to loue her, that ſhe is come ſo many wayes of Engliſh blood, and had her great Grandmother out of the Princelie houſe of Somerſet, and had for her Grandmother the Lady Margaret, eldeſt daughter to King Heurye the ſeuenth. And is not this muche to moue them further, that ſhe was by this meanes ſo muche affected toward the Engliſhe Nation, as in her troubles & afflictions at home, ſhe rather hoped for relefe at their handes, and therfore truſted the now Queene of England, vpon her promiſes, ſo farre, as ſhe made her choyſe, rather to come for ſuccoure to the Engliſhe (where now ſhe liueth in priſon) than to other Princes her ſpeciall freends: of whome ſhe was aſſured to haue found relefe and ſuccour? Adde this withall, that before all other Chriſtian Princes, ſhe choaſe an Engliſhe man to be her huſband, and by hym brought foorthe a ſonne, heyr to the ſame Kyngdome. VVhat ſhould I report of the ſignes and tokens of her pietie wiche now ſhe ſhoweth in England, or of her Courteſie, good will and loue towarde the Engliſh Nation: how freendlye ſhe thinketh of them, how honorably ſhe ſpeaketh of them, and how nobly ſhe writeth of them, yea how that by long conuerſing with them, ſhe hath now ſo perfectlie lerned their manners, their language, and their cuſtomes, as hauing almoſt forgot all other faſhions, ſhe ſeemeth to be brought in to this world, by the prouidence of God, iuſtlie to gouerne the people of England? VVherefore, ſithe this our Queene is the woorthie heir, and the righteous heir of the Engliſh Croune: it ſtandeth agreablie with your charitie, whiche you, as Kinges, are wont to vſe

toward

toward Queenes, and vith thoſe offices of courteſie and kyndeneſſe whiche you owe, as Allies, to your freendes, or as Coſaines to your kynſewomen, to prouide (by all poſſible meanes) that ſhe be not defeated of her right: nor barred from that dignitie, whiche by many titles is due vnto her: leſt that the harmes whiche fall vpon her by ſuche loſſes, doe procure great perilles to you and youre poſteritie. And the better to auoyde all ſtoppes whiche might brede in you by any obſcure or breefe relation, I here preſent vnto your Maieſties with all humilitie this booke, conteyning a full diſcourſe of the whole cauſe, whiche during my abode in England, about the affaires of my ſayd Soueraigne, I cauſed to be publiſhed in Engliſhe, to the vſe of Engliſhe menne: and haue now augmented it, with a Genealogie of the Competitors, whiche by diſcent from two Princelie families in that Realme, to wit, Yorke and Lancaſtre, pretend title to the Croune. And herein the cauilles and ſurmiſes of the aduerſaries are ſo refuted, their ſleightes ſo diſcouered and auoided, and their argumentes whiche they leane vpon ſo ouerthrowen, as the ſcruples and dowbtes (whiche before neuer theleſſe to menne of equall and indifferent iudgementes were playne enoughe) may well ſeme to be remoued and pulled out of the hartes and myndes of the aduerſaries. I humblie therfore beſeche your Maieſties, to accept that freendly whiche I preſent vnto you: to mark that attentiuelie whiche in writing I ſett downe before you: and to performe that Iuſtlie whiche beſt beſeemeth you. So fare ye well: and fauour the cauſe of a moſt laufull Queene.

TO THE MOST EXCELLENT, AND MOST GRACIOVSE QVENE MARIE, AND TO THE MOST noble king Iames her ſonne, Quene and kyng of Scotland, his vndoubted Souereignes, Iohn Leſley, Byſhop of Roſſe wiſheth all true felicitie.

OF ALL the moſt excellent guyftes and benefites, which God of his goodneſſe hathe beſtowed vpon mankynde, I knowe not whether there be any one, for profit, more fruitfull, or in eſtimation more excellinge, than is the inclination among menne to mutuall loue and amitie. For ſuche is the force thereof in matters of greate importance, as the perſone in whome it is once well eſtablyſhed can not be at any time, eyther by counſeil ſeduced, by iniquitie of time imbaſed, by fortunes frowning diſquyeted, nor by any violence ſhaken, muche leſſe ouerthrowen or deſtroyed: In ſomuche as, I muſt nedes ſaye that, whoſoeuer wanteh this guyft of nature: he is not onlye farre from all commendation of conſtancie and wyſedome in greate affaires: but alſo putteth of all humanitie, and is become impious, wylde, and ſauage. And this ſenſe or feling of loue and amitie, although it be naturally planted in euery man and woman: yet is it moſt eſpeciallye in them, that are by blood and kynred moſt neerly conioyned together. VVherfore, ſo often as I conſider the tender loue of parents toward their children, & the pietie of children toward their parents: I

alwayes acknowleige this naturall inclinatiõ to loue and amitie (without whiche no common wealth can endure, nor any famylie ſtand) to be a ſpeciall benefit of God, beſtowed vpon mankynde. And ſo often alſo (moſt graciouſe Princes) I fynde iuſt cauſe to moue me in the behalfes of your Maieſties, and of your ſubiectes, to reioyſe, and to gyue God thankes, for that theſe lawes of nature and guyftes of grace in you by God ſingularlye planted, you haue reſerued and kept whole and inuiolate, from the iniurie of the time, and from the malytiouſe ſtinges of peruerſe detractours: in ſuche ſorte as, you could not, by any other occaſion, haue gyuen a better teſtimonie of honorable courteſie and vertue: nor haue raiſed in the hartes of your ſubiectes a more aſſured hope of the beſt mean to preſerue, yea and to enlarge alſo, and amplyfie your kyngdome. For to me, and to all your louinge ſubiects nothing can be more gratefull, than this firme and faſt loue and agrement betwene you; nothing that ought to be more acceptable to your ſelues: nothinge more agreable to the generall wellfare of all men. Erneſtlie therfore, and in the moſt deutifull manner that I can deuiſe, I humblie beſeche your Maieſties, at no time to ſuffer the accuſtomed heat of your mutuall loue, in any one point, to coole: but that it take ſuch deep holde, and daily encreaſe ſo muche within your graciouſe breſtes, as it neuer be extinguiſhed, eyther by treaſon of falſe detractors, by the cruell fickleneſſe of fortune, or by any flagitiouſe meanes that the malice of this world may procure. So vſe the matter, as this louying coniunction of your two hartes may be vnto you a braſen wall: defend you this wall ſtoutlye, that double tongued Sycophantes may dreed it: let this woorke ſuche an effect in you, as all thoſe be out of your

fauoures

ſauoures whiche carie in their mouthe a flatteringe woord, and in their hand a cruell weapon: ſuche as pretend peace by woord, & practiſe warre by deed: ſuch as in peace vſe deceit, and in warre outragiouſe violence: and ſo by deceit kill mennes ſoules: and by violence deſtroye their bodyes.

Now, as touching the exceding tender loue and zeale of mothers towardes their children; it is of ſuche force, as hath wrought very much profitt, not only to priuate families, but alſo to whole common wealthes, yea and to the greateſt Empyres. Herevpō aroſe the honorable fame of Eurydice of Dalmatia, for that being a baniſhed woman in Illyria, & well ſtroken in aige, ſhe applyed her mynde wholy to learnyng: to the ende ſhe might better inſtruct her owne children. But, (to come ſomewhat nearer to your Maieſtie, my deare Soueraigne ladye) if the care of this woman ouer her children, and of all other mothers whoſouer, be compared whith your woonted ſingular loue towardes your ſonne: ſo muche further ſhall you exceede them all, as it hath bene harder in this yron age, conſtantlye to holde that courſe of vertueouſe loue, which your Grace, with continuall care, and great fortitude, hath kept and performed towardes his Maieſtie. But how carefull you haue bene for his ſafetie (beinge your only ſonne, well beſeemyng ſuch a mother as your ſelfe, and right woorthie to be your beſt beloued) your motherly affection hath bene declared many wayes in your owne perſone: As your great inſtancie, & earneſt trauaill in commendinge hym to the tuition of ſuch as were thought moſt faithfull, hath giuen good proofe thereof. Euen ſo when thoſe horrible broyles were begonne in your Countrie, all thinges by ſeditiouſe tumultes ouerturned, and the face of your common wealthe with the admi-

niſtration thereof (by violent expulſion of a laufull authoritye, and by iniuriouſe intruſion of others) tranſeformed and deformed: then (alas) what fear and dreed poſſeſſed your tendre hart, what anguiſhe and vexation your carefull mynde endured for his ſake, that is to you moſt deare: all the worlde may eaſely iudge: and they beſt of all, that knowe what it is to be a mother of an infant, beinge vnder the warde of his mortall enemyes. But with what faithfull diligẽce your Grace dealt for his ſafetie, aſwell with the nobilitie, as with thoſe whiche had the cuſtodye of hym, (not by letters onlye but by meſſengers alſo: and by great rewardes aſwell as by other gentle intreatye) I my ſelfe, am a preſent witneſſe, and (as I think) no man eyther can better teſtifie, or ought more plainly to manifeſt the ſame. For, at that tyme I was by your Maieſties appointment made priuie to all thoſe matters: and in the execution of my commiſſion they paſſed throughe my handes: yea I haue oftentymes with great compaſſion & pitie beholden your Grace ſhedde abundance of deuout teares, kneeling vpon your knees in deuout prayer to God for his wellfare. And afterwarde, when the matter came to this iſſue, that you might haue bene deliuered vpon certeyn conditions: you preferred the honour of your ſonne, and the aduauncement of his Royall dignitie before all worldly thinges, and (as I may well ſaye) before your owne lyfe: In ſo muche as euen then you dyd moſt conſtantly affirme, that you wolde neuer gyue your conſent to any thinge that myght be hurtfull, or preiudiciall vnto hym: albeyt you had bene oftentimes ſolicited, and ſore vrged to the contrary: An honorable ſayeng (truely) well beſeemyng your motherlye pietie, and Royall deſcent: and a ſpeciall good proofe of your ſingular good

will

will towardes your ſonne.

And as to your maieſtie(moſt noble kynge, of whom the worlde conceyueth ſo great hope, and whoſe iudgement ſurmounteth your age) when you ſhall well wegh theſe and many other greate argumentes of this your mothers naturall loue and pure good will(wherof you ſhould haue bene aduertyſed long before this time,by moſt truſty meſſengers and many letters,if oportunitie had ſerued) you ſhall finde good cauſe to ſaye to your ſelfe:

Doeth neyther Mothers loue,nor vertue of thy kynde
Force thy deſire to treade her ſteppes aright,
To bear lyke loue,lyke faith,lyke pietie in mynde,
And truſt her beſt aboue eache mortall vvyght?

But at the leaſt,conſidering your ſelfe to be ſo infortunately bereft of ſo good a mother,you may applie vnto your ſelfe(as a dolefull Swannes ſong) that diſtiche whiche Homer verie fitlie vſeth in the perſone of Thelemachus bewaling the loſſe of his brother, as a great calamitie,in this ſorte.

And me poore youth hathe Ioue ſo left alone,
That of my ſtocke there nowve remaines but one?

Yea more occaſion you haue thus to complayn than Thelemachus had: For the nearer in bloode a mannes mother is than a brother,ſomuche dearer ought ſhe to be vnto hym.

Therfore(to thende you maye more reddelye performe ſuch offices as are expected in you)ponder with your ſelfe(I humblie beſeche you)beſide her pietie and naturall kyndeneſſe towardes you, what mightie kyngdomes, what ample Regions, what populous prouinces may by right of ſucceſſiō fall vnto you from her only,and vnder her title, if God graunt you that happie longe lyfe whiche we dailye praye for.And to make a playne demonſtration hereof(omitting to ſpeake of your right to the

Croune of Scotland, whereof no man at home or abrode putteth any doubt at all) I thought it mete (and that not without good cauſe) to ſett downe in writing what maye (without cauſe of offence, iuſtlye, and laufully) be hoped touching your right and intereſt to ſome other kyngdomes and prouinces.

Now therfore, becauſe ſome men perchaunce (bothe forrayners and inhabitantes of the ſame Countries) are kept in ſuſpenſe and dowbt what to thynke touchinge the ſucceſſion of ſo great dominions, & to the ende that none may be Ignorant of the right, title, & intereſt, which your noble mother before all others, and your ſelfe, her Graces onlye ſonne, and heyr, (after her) hathe to the inheritance and ſucceſſion of the Croune of England: and of all the dominions thereunto annexed or belonginge, vpon the deceaſe of the now Quene thereof without laufull yſſue of her bodie: I preſent vnto your two Maieſties this Treatiſe: wherein is ſett downe the ſtate of the whole cauſe, and the right, Title, due order, courſe, and proceſſe of that ſucceſſion, with a playn confutation of all thoſe obiections whiche your aduerſaries pretend to the contrarie. And this trauaille longe agoe whiles I was Ambaſſadour in England I dyd willynglye take in hand: aſwell, thereby to wynne the good willes of many vnto you, as for the honour and generall commoditie of your Countrie: VVherein at that time I had muche conference with ſome of the moſt expert and ſkillfulleſt Iudges & beſt practized counſeilers towardes the lawes of that land: and after many diſcourſes and muche debatinge, I clearly ſifted owt the'r opinions, and Iudgementes, touching this matter. And not longe after vpon mature deliberation: whē I had well reuolued theſe thinges in my mind: I thought it euery waye agreable to my deutie towarde

arde your Maiesties & your Countrie, to contriue in some litle volume what I had learned in so longe tyme: being also hereunto induced by the persuasion of diuerse Christian Princes: whome, after my departure out of England, coming to visit them, I had made acquainted with this matter: whiche they were glad to hear, and for their better instruction desirous to be infourmed therof at more length by writing. VVherevpon, first to satisfie the honorable meanynge of those noble personages, I compiled and published a Treatise of this matter in latin. And now further to accomplishe my deutie in defence of your Royall Dignities, and to setle the myndes of the wauering communaltie, and for the generall commoditie of all suche as haue any interest in this matter, I haue sett forthe this Treatise in English. And I verilye hope (suche is your princelie good meanyng, my most vndoubted Soueraignes) that you will accept in good parte this my trauaile, as a testimonie of my duetifull good will, reuerence, & seruice to your Maiesties: and that you will construe my intention and aduise to this attempte, as (in your iudgement) agreable to the weight of so great a cause: and allowe thereof, for the manyfold commodities that therehence may arise.

Now then, as a right and laufull combination of manye Regions by iust title of succession belongyng to you, most manifestlie argueth and conuinceth a Regall Soueraigntie, deriued vnto you by many famouse kynges, your Maiesties Aunce-stors: so doeth the same require and exact of you an vnion and coniunction of mindes, and a full consent in the vertue and religion of your forefathers. For nothinge can be more agreable with the name and title of a king, and with the honour and renoume of so noble a succession, as so fortunatly pro-

cedeth from ſuche a mother to ſuche a ſonne, than that with ſuche an vndoubted title & right to rule a kyngdome, there be annexed an vniforme profeſſion in ſincere Religion. To whiche ende, as the mother hitherto moſt religiouſlie foloweinge the vertue, faith, and pietie of her noble progenitoures hathe euermore ſhowed ſuche conſtancie, as that Sexe ſcarſely beareth: ſo the yong kyng her ſonne in ſucceſſion goeng with her, muſt diligently foreſee, that in a ſincere profeſſion of one ſelfe ſame Catholik religion, he be not behynd her: but that, as he hath truely imitated all her other vertues, wherein ſhe woonderfully excelleth her own ſelfe: ſo he reſemble her in true faith and in vniformitie of the Catholique Religion. And thus the mother can haue no occaſion offered her to remitt any part of her true loue, and affection towardes her ſonne: but by daily encreaſe of naturall affectiós betwene them, ſhe will ſo anſwer hym in courteouſe kyndneſſe: as, thoughe ſhe be foreſtalled of his preſence, yet ſhall ſhe enioye great comfort of hym in his abſence: in ſo muche as, all the world at home and abrode ſhall admire and wonder at their laudable emulation in offices of naturall zeale and pietie: Yea, thus it will fall out, that your own people (moued by your example) will induce one an other to peace and amitie: and freely of their own accorde, without any contention, will offer vppe vnto you, ſuche kyngdomes, regions, & prouinces, as are, or ſhalbe due vnto you by right: and deſire nothinge more than to be vnder the dominion of them, whome they ſee in one mynde, faythe, and religion, with good lawes and true Iuſtice moderate their common wealthe. VVhiche kyngdomes and the Subiectes thereof, God the kynge of all kynges which ruleth the hartes of all Princes graunt

you

you grace well to gouerne, to the glorye of his holy name, to the propagation of his holy churche, and to the maintenance of common peace and tranquillitie.

Amen.

A PREFACE CONTEYNING THE ARGVMENT OF THIS TREATISE, VVITH THE CAVSES mouyng the Author to wryte the ſame.

THE deepe prouidence of Almightie God, who of nothinge created all thinges, moſt euidently in this poynt ſhoweth it ſelfe, that by his power ineffable he hath not onlye created all thinges, but by the ſame power, hath alſo endewed euery liuyng creature, with a ſpeciall guyft & grace to continue, to renewe, and to preſerue; eache his owne kynde. But in this conſideration, the condition of man kynde, amonge and aboue all earthly thinges, hath a pearleſſe prerogatiue of witt and reaſon: wherewith he onlye is of God graciouſly indued and adourned. For by theeſe excellent guiftes and graces of witt and reaſon, he doeth not onlye prouide for his preſent neceſſitie and ſauegarde (as doe naturally, after their ſort, all brute beaſtes, and euery other thinge voide of reaſon) but alſo, pregnantlie diſcourſinge from cauſe to cauſe, and prudentlie applyeng their ſeuerall courſes & euentes, he gayneth a greate foreſight of the daungers and perilles that many yeres after may happen, either to him ſelfe, or to his Countrey: and then by diligence and carefull prouiſion doeth inuent ſome apt and meete remedies, for the eſchewinge of ſuche miſchiefes, as might outragyouſly afterward occurre. And the greater the fear is of more imminent miſchief: ſo muche more care, and ſpeedier diligence is vſed to preuent and cutt of the ſame.

Man by the guyft of witt & reaſo hath a greate foreſight of thinges to come.

And

And it is moſt certaine, by the confeſſion of all the world, that this care (whiche I ſpeake of) ought principally to be imployed of euerie man (as oportunitie ſerueth) to this ende, that therby the Authoritie of the Prince may be kept whole and ſound: the publik weal of his countrey aſſured: and the cõmon peace & tranquillitie of bothe preſerued. For the obteining whereof, as there are many braunches of policie to be deſired: ſo one ſpecial parte is for ſubiectes, louinglye and reuerentlye to honour, and obedientlie to ſerue their Soueraigne, which for the time hath the rule and gouernement: the next, to foreknowe to whome they owe their alleageãce, after the deceaſſe of their preſent prince and Gouernour. VVhiche being once certain, and aſſuredly knowen, procureth (when tyme doeth come) readie and ſeruiceable obedience, with great comfort in the mean while, and afterwarde vniuerſal reaſt and quietneſſe of all good Subiectes: as on the contrary part, throughe diſcord, variance, and diuerſitie of mindes and opinions, about a Succeſſour, the matter groweth to faction: and from factiõ burſteth out to plain and open hoſtilitie: wherevpõ foloweth paſſing great perilles, and oftentimes deteſtable alterations and ſubuerſions of the plublick ſtate.

Subiects ought to loue their kinge, and to know the heyr apparent to the Croune.

For the better auoyding of ſuche and lyke inconueniences (albeit at the beginning Princes reigned, not by deſcent of blood and ſucceſſion, but by choyſe and election of the worthieſt) the world was for the moſt part conſtreyned to reiect and abandon election: and ſo oftentimes in ſtead of a better and woorthier, to take for their Gouernour, ſome certain iſſue & offpring of one family, though otherwyſe perhappes not ſo mete. VVhich defecte is ſo ſupplied, partly by the greate benefit of the

VVhy all the vvorld, almoſt, embraceth ſucceßion of princes, rather than election.

good

good reast and quyetneſſe that the people vniuerſally enioye by this courſe of ſucceſſion: and partly by the induſtrie and trauail of graue and ſage perſonages, whoſe counſeil Princes doe vſe in their affaires: that the whole world, in a manner, theſe many thouſand yeres, hath embraſed ſucceſſiō by blood, rather than by election.

And all politike Princes wanting iſſue of their own bodies to ſuccede them, haue euer had a ſpeciall care & foreſight (for auoyding of ciuil diſſention) that the people allwayes myght knowe the true and certain heyr apparent of the Croune: ſpecially, when there appeared any lykelyhode of varitie of opinions, or factions to enſue, about the true and laufull ſucceſſion in gouernement.

The care of Engliſh kinges to haue the ſucceſſour to be knowen.

This care and foreſight doeth manifeſtly appear to haue bene not only in manye Princes of forain Countreis, but alſo in the kynges of England, aſwell before, as after the Conqueſt: namely in S. Edward, kyng of England, that holie Confeſſour, by declaring and appoynting Edgar Atheling, his nephews ſonne, to be his heyre: as alſo in kynge Richard the firſt: who, before he interpriſed his Iourney to Ieruſalem, aſſembled his Nobilitie and Commons together, and by their conſentes declared Arthure, ſonne of his brother, Duke of Britain, to be his next heir and Succeſſour of the Croune. Of, whiche Arthure, as alſo of the ſayd Edgar Atheling, we will ſpeake more hereafter.

Flores hiſt. anno 1057

Richard Chanon of the Trinitie i Londō

flores hiſt. anno 1190

Poli. l. 14.

This care alſo had king Richard the ſecond, what time by authoritie of Parlament he declared for heir apparent of the Croune, the Lord Edmond Mortymer, that Maried Philip daughter and heyr of his vnkle Leonell, duke of Clarence. And (to deſcend to later times) the late kyng Henry the eight ſhewed (as it is knowen) his prudence and zelous

Polid. l. 20.

care

care in this behalfe, before his laſt voyage into Fraunce.

And nowe, if almightie God ſhould (as we be all, bothe prince and others, ſubiecte to mortall chaunces) once bereaue the Realme of England of their preſent Queene: the hartes and mindes of men being no better, nor more firmely ſetled and ſtayed towardes the expectation of a certain ſucceſſion, than they ſeme now to be: then woe & alas, it woundeth my very hart, euen once to thinke vpon the imminent, and almoſt ineuitable perilles of that noble Realme, being lyke to be ouerwhelmed with the raiging, & roaring waues, & ſtormes of mutuall diſcorde, and to be conſumed with the terrible fire of ciuil diſſention.

The feare whereof is the more, by reaſon that already in theſe later yeres, ſome flames of this horrible fire haue ſparkled and fluſhed abroad: & ſome part of the rage of thoſe fluddes haue beaten vpon the Engliſhe ſhores: I mean the hote contention that hath there bene ſturred in ſo many places, and among ſo many perſones: Of bookes alſo diſperſed abroode, ſo many wayes faſhioned & framed, as either depraued affection peruerſely luſted, or zelous defenſe of truthe ſincerely moued men.

Seing therfore, that there is iuſt cauſe of fear, and of great daunger lykely to happen, by this varietie of mennes myndes and opinions, ſo diuerſely affected, aſwell of the meaner ſort of menne, as of greate perſonages: I take it to be the parte of euery naturall Engliſhe man, & of ſuche as fauoure them, to labour and trauaile (eache man for his poſſibilitie, and for ſuche talent as God hath gyuen hym) that this ſo imminent a miſchiefe may be in conuenient time preuented.

VVe ſee what, witt, policye, paynes, and charges

men

men employe, with dammes, weares, and all kynde of ingenious deuiſes, to prouide, that the ſea or other riuers doe not ouerflowe or burſt the bankes, in ſuche places, as are moſt ſubiecte to ſuche daunger. VVe knowe alſo, what politike prouiſion is made, in many good Cities and townes, that no daungerous fires do aryſe through negligence: and that the furie therof (if any happen) may ſpeedilye be repreſſed with diligence. VVherein Auguſtus the Emperour, among other his famours actes, is woorthely commended & honored, for appointing in Rome an ordinary wache of ſeuen companies in ſeuerall places, to preuent ſuche miſchiefes, as come by fyre: being hereunto induced, by reaſon that the Citie was ſet on fire in ſeuen ſeuerall places in one daye. And ſhall not then euery man, for his part and vocation, haue a vigilant care and reſpect to extinguiſhe and quenche ſuche a fyre alreadye burſten owt, as may (if the matter be not wyſelye looked vnto) ſubuert, diſtroy and conſume, not one Citie onlye, but alſo a whole Realme & Countrye?

VVhiche to ſuppreſſe, one ready and commodiouſe waye (as I thinke) is, that the Countrey men & people of that nation may throughly vnderſtand and knowe, from time to time, in what perſone the right of ſucceſſion of the Croune of that Realme doeth ſtande and remayne. For now, many men, partly through ignorance of the ſayd right & title, & partly through ſiniſter perſuaſion of ſome lewd pamphlets (whereunto they haue toolightly giuen credit) are ſeduced and caried away quite from the right opinion and good meaning, whiche once they had conceiued, and from the reuerence and duetie, that they other wyſe woulde, and ſhoulde haue.

VVhiche corruption of Iudgement and opi-

nion

nion, I doe hartely wiſhe to be plucked out of the hartes and mindes of men: and ſhall in this Treatiſe, doe my beſt indeuoure, with moſte ſtrong reaſons and prooſes, to remoue the ſame: not preſuminge vpon my ſelfe, that I am better able than all others this to doe: but vpon duety and zeal to open a waye for the knoulege of trueth, whiche by ſo many indirect meanes is reſtreined, obſcured, and perſecutde: after reading and vewing of ſuche bookes, and the argumentes therof, as haue bene ſet forth by the aduerſaires to the contrarie, (whiles I was in England, Ambaſſador for my moſt gratiouſe Soueraigne ladye, the Quene of Scotland) I attempted this woork, not vnrequeſted of ſome noble perſonages, then of great accompte: nor without the aduiſe, counſail, and Iudgement of ſome, verie ſkillfull in the cuſtomes, lawes, and ſtatutes of that Realme. VVherein I verily hope to ſhowe ſuche good matter, for euident demōſtration of the truth, as ſemeth to me ſufficient to ſatiſfie euery honeſt and indifferent perſone: and able to perſuade all ſuch as are not obſtinatly bent to their own partiall affections, or not gyuen ouer to ſome ſiniſter meanyng, and factiouſe dealing.

TO THE NOBILITIE AND people of England and Scotland, A Poeſie made by T. V. Engliſhman.

Dravve neare, vvith heedfull eyes this booke peruſe:
VVho that deſires aſſuredlie to knovve
Thoſe iuſt decrees, that Engliſh people vſe,
For right full heyres, to vhom the Crovne dothe grovve:
VVith glorioufe Raſes of ſo riche a ſoyle,
And golden bondes of moſt aſſured peace,
VVhiche (after vvarres and many a bloodie broyle)
Hath long time laſted, and dothe ſtill encreaſe,

By Henries vvyfe, vvhom Stories ſeuenth doe name:
From vvhoſe renowmed ſtocke and princelie ſtraine,
Marie novv preſent Quene of Scotland came,
And Iames her ſonne, as king to rule and raigne,
Vnder that Pole, vvhiche vve the Northern call.
This ladie by her predeceſſors right
Dothe looke the Engliſhe Croune to her ſhall fall,
Vertue to defend, and people (by her Might)
To guyde in peace, vvhen Henries heyres are dead:
VVhiche vvas the eight, in great renoume of late.
For then, vvith right pretence, vvho can procede
To gayn ſaye her, and ſpoyle her of her ſtate,
And right, to beare the ſvvaye in Engliſhe land?
But leſt the ſimple man ſhould grovve in doubt,
VVhat lavve allovves her, for their heyr to ſtand,
Leſley vvell knovveing all the cauſe throughout,
As one that loues his Quene, and common peace,
By buſie toyle, hathe brought this thing aboute,
And dothe his heſt to make falſe practiſe ceaſe.
You Britaines therfore, vvith attentiue heede,
Dravve neer, and reape the croppe of this his ſeede.
Eſteme his vvorke, and vveighe his vvarninges vvyſe,
That telles the truthe, ſtill one in vvoorde and mynde:
Regarde the right of her, vvho once may ryſe
And rule in ſtate: your Quene to heauens reſigned.

„ That onlie Realm is in moſt happie ſtate,
„ VVhiche beares no Tyrannes rule, nor blody band:
„ And whoſe renowmed Prince doeth euell hate,
„ And rules in peace the people of her land.

POSTLITES VNIO

A TREATISE TOVVCHING THE RIGHT, TITLE, AND intereſt aſvvell of the moſt excellent Princeſſe, Marye Queene of Scotland, as of the moſt noble Kyng Iames, her Graces ſonne, to the ſucceſſion of the Croune of England.

And firſt, touching the Genealogie, or pedegrue of ſuche Competitors, as pretend title to the ſame Croune.



PACIS NVNCIA

A DECLARATION OF THE TABLE folowveing, touching the raſe & progenie of ſuche perſones as, deſcēding from the Princely families of Yorke and Lacaſtre, doe eyther Iuſtlye clame, or vniuſtlye aſpire vnto the Croune of England: ſet foorthe for this ſpeciall intent, that all men may clearlye ſee (as by a plain demonſtration, and by the beſt proofe that can be of a true and laufull ſucceſsion) howv the moſt Gracious Princeſſe, Marye Queene of Scotland, and from & by her, the moſt noble King Iames, the ſixt of that name, her Graces ſonne, ought Iuſtlye to barre all others, contending to intrude them ſelues into the Royal Throne of the Realme of England, before their time.

CERTAINE IT IS, and aſſuredlie tried and knowen to all men, that (after the deceaſe of Elizabeth, now Queene of England, without laufull yſſue of her bodie) the Soueraigne Gouernement of that Realme (by right and iuſt title of a laufull ſucceſsion) is to remayn and come to Marie, the moſt noble Queene of Scotland, and from her to the ſayd Kyng Iames. And this is ſuche an vndoubted truthe, as the Aduerſaries them ſelues are not able to denye it, yf they will caſt away all partiall affection of priuate quarrelles, and ſincerely diſcouer their owne conſciences. For, (to let paſſe as ſufficiently by others aunſwered and clearly confuted, that abſurde paradox, & heretical aſſertion blowen abrode, by vndiſcrete and ſeditiouſe libells, againſt the regiment of women) I make this full accoumpt and reckening, as of a thing moſt clearly knowne, and confeſſed in the hartes and myndes of euery true Engliſh man, and as agreable with the lawes of God and nature: that for default of heyr male, inheritable to the Croune of England, the next heir

Queene of Scots right heir apparent of the Croune of England.

A vvoma may haue the kingdome of England.

female in an ordinary courſe of inheritance & ſucceſſion, is to be inuited & called to the laufull poſſeſſion of the Croune: And that, aſwell by the auncient common lawe and cuſtome of England, yet in force: as alſo by the Statutes and actes of Parliaments of that Realm, and by the vſuall conſtruction and continuall practiſe of the ſame.

In like manner it is euident and playne, that the right noblye renoumed Princeſſe, of famouſe memorye, Lady Margaret, ſome tyme Queene of Scotland, & eldeſt daughter of the ſeuenth Henry, King of England, and of his moſt noble wyfe, Queene Elizabeth, the vndouted heir of the howſe of Yorke, was maried to Iames, King of Scotland, the fowerth of that name: by whome ſhe had one only ſonne called king Iames the fift: & that the ſaid moſt excellent Princeſſe, Marye, now Queene of Scotland, is the ſole daughter of the ſame King Iames the fift. VVherupon it falleth owt, that after the deceſſes of the heirs males of the bodies of the ſayed kyng Henry the ſeuenth and Queene Elizabeth his ſayd wyfe, whithout laufull iſſue of their bodies, then the right, title, and intereſt to the Croune of England ought to deſcend, and come, by a laufull courſe of inheritaunce and ſucceſſion, hrſt & before all others, to the ſayd moſt gracious Lady, Marie Queene of Scotland, as next heir, in a laufull deſcent, from her ſayd graundmother, the ſayd Queene Margaret, eldeſt daughter of the ſayd King Henry the ſeuenth, and of Queene Elizabeth his ſayd wyfe.

Margaret King Hëry the ſeuenth his eldeſt daughter, graund-mother to the Scottiſh Queene.

Now, this is a briefe narration of ſuche an vndoubted truthe, as ſhould nede no further explication, if men were deuoutlye inclined to credit a truthe. But becauſe ſome men are by ambition ſo blynded, & caried away with their own phantaſies,

as

as they mynd nothing more, than with cõtentiouſe quarrelles, to obſcure and deface this matter: I muſt ſet a further courſe: and though the thing be playn enough of it ſelfe: yet muſt it be delated with a larger diſcourſe of many proofes, experimentes and examples: to the intent that all thoſe Competitors and Chalengers, whiche oppoſe them ſelues againſt her Maieſties right (albeit of them ſelues they will not yeeld to reaſon) may neuer theleſſe be ſo conuinced, and daunted, as they ſhall haue nothing left to gaynſaye, when the truthe of the cauſe ſhalbe clearlye reuealed, and ſincerely layd open, to the vewe of Princes, and people of all nations.

The argumẽt of this vvorke.

Fyrſt therefore, I will ſet downe a Genealogie, and Pedegrue of the Kinges of England: And I will deriue the ſame frome king Edward the thirde: And ſo frome the moſt noble houſes of Yorke and Lancaſtre, in manner of an hiſtorie, vntil theſe our dayes. Then will I duelie examin ſuche argumẽtes, as the Competitours doe alleige for their proofe, to the ende that by ſuche diſcourſe on bothe parties, the trueth may better appeare.

The proceſſe of the deſcent of the houſes of York & Lancaſtre, and their diuerſites in Armurye.

King Henry the ſeuenth, being deſcended of the houſe of Lancaſtre, had for his wyfe, Elizabeth eldeſt daughter of kyng Edward rhe fowrth, and right heyr of the houſe of Yorke, By which marieage, the bloodye broyles & cruell factions of thoſe two noble howſes, which ſo many yeres had miſerably afflicted the ſtate of England (being called the factions of the white Roſe and the reade: meaning by the white Roſe, the houſe of York, and by the reade Roſe, the houſe of Lancaſtre: vpon that diuerſitie in Armurie) were by the mercifull prouidence of God broken and ended, For thoſe two mightie families (deſcending, thone from Iohn of Gaunt Duke of Lancaſtre, the other from Edmond

Duke of Yorke, two of the ſonnes of king Edward the thirde) ſtriuyng for the kyngdome, did drawe after them, in contrary parties, all the nobles and Cõmons of that Realme. And no ende nor meaſure of ciuile diſſentions, ſlaughters, and morders could be founde, vntill ſuche tyme as the titles & intereſts of thoſe two houſes, were by the ſayd mariage cõbyned in one, and cloſed together: and thereby all factions, and domeſticall diſſentions ceaſed and determined. The originall cauſe of thoſe diſſentions was, as here after foloweth.

The cauſe of debate, betwene the houſes of Yorke and Lancaſtre.

Kyng Edward of England the third had fower ſonnes, of whome there was yſſue: to witt, Edward Prince of wales, whiche was the eldeſt ſonne: Lionell duke of Clarence, the next: Iohn of Gaunt duke of Lancaſtre, the thirde: And Edmund of Langley, Duke of Yorke the fowerth ſonne.

Edward Prince of wales dyed before his father & left a ſonne which ſucceded his Graund father, & was called king Richard the ſecond. This Richard was, by his couſin germain, Henry (ſonne of the ſaid Iohn of Gaunt by Blanche his wyfe) depoſed from hys kyndome, and dyed in priſon, without yſſue. And then the kyngdome was tranſlated to the heirs of the thyrd brother: and ſo to the houſe of Lancaſtre. by this meanes.

Lionell, the ſecond of the ſayd fower brothers, Duke of Clarence, had one onely daughter, & heir, called Philippe: ſhe was Maried to Edmund Mortimer Erle of Marche: and by him had a ſonne called Roger Mortimer Erle of Marche: whoſe daughter and ſole heir, called Anne, was the wyfe of Richard Erle of Cambringe: And by him had yſſue, Richarde Plantagenet. Duke of Yorke, heyr in deſcent to Edmund of Langley, the fowerth brother before named. Thus the houſe of yorke, by mariage of the

ſaid

ſayd Anne, heir of the houſe of Clarence, gained a nearer title to the Croune of Englād. And therupō folowed priuie grudge, malice, & hatred: and afterward horrible warres betwene thoſe two families.

The thirde brother, Iohn of Gaunt had to his firſt wyfe, the Ladie Blanche daughter and ſole heir of Henry Duke of Lancaſter, deſcēded of Edmond Erle of Lancaſtre, called Edmonde crowcheback, ſonne of king Henry the third. Some there were (as Polidor writeth) which afterward reported that this Edmond crowchebacke was the eldeſt ſonne of the ſayd king Henry the third, and therfore his heir, but by reaſon of his deformitie his brother Edward was perferred to the Croune: In ſo muche as vnder pretenſe hereof the before named Henry, ſonne of Iohn of Gaunt by the ſayd Blanche (which depoſed king Richard the ſecond) as is before menſioned, to ſhewe ſome coloure of good title to the Croune, and for to auoyde ſuſpicion of iniuriouſe intruſion, was aduiſed by his freends at the tyme of his coronation to clame that kyngdome in the right of his mother, the ſayd Ladye Blanche. But bycauſe that pretenſe was miſliked, the ſame kyng Henry the fowerth deuiſed other matter of title, and publiſhed the ſame by proclamation, as Polidor alſo writeth: and vnder pretenſe thereof clamed the kyngdome, and called hym ſelfe kyng Henry the fowerth. After hym ſucceded his ſonne, king Henry the fyft: maryed the Ladye Catharin, the onely daughter of the ſixt kyng Charles of France: and by her had a ſonne called Henry the ſixt: whome king Edward the fourth, deſcēded of the houſe of Yorke, dyd caſt into priſon (where he dyed) recouered the kyngdome to hym ſelfe: and after the battail of Teukeſbury, cauſed Edwarde, ſonne of the ſame king Henry the ſixt, priuilye to be put to death.

Polidor li. 16. in fi. e.

Polidor li. 21. in initio.

Yet neuertheleſſe, the houſe of Lancaſtre did ſtand. For Iohn of Gaunt before named, by his third and laſt wyfe, had a ſonne, called Iohn Erle of Somerſet, and Marques of Dorceſtre. And this Iohn had a ſonne, named Iohn Duke of Somerſet, and Erle of Montague: and a daughter called Ioan: ſhe was maried to the firſt Iames king of Scotland, the third of the houſe of Stewards, after the two Roberts, the ſecond and third. This Iames the firſt was father to Iames the ſecōd father of Iames the third, father of Iames the fowerth, kynges of Scotland. VVhich Iames the fowerth maried the ſaid Queene Margaret, eldeſt ſiſter to kyng Henry of England the eight: and by her had Iames the fyft, father of Marie now Queene of Scotland.

The ſayd Iohn Duke of Somerſet and Erle of Montague had one onely Daughter called Margaret, Ducheſſe of Somerſet: whiche was maried to Edmond, afterward Erle of Richemond, brother, of the halfe blood, to king Henry the ſixt, by one & the ſame mother, the ſayd Queene Catharin: for his fathers name was Owen Teuther, the ſecond huſband of the ſame Queene Catharin. This Edmond had, by the ſaid Lady Margaret, Ducheſſe of Somerſet, a ſonne called Henry, who vpō the death of that Tyranne, the third kyng Richard, obteyned the kyndome of England, and was named king Henry the ſeuenth.

But (to come to the houſe of york, deſcended of the fowerth ſonne of kyng Edward the third) ſo it is that Richard the before named Erle of Cambridge, by his ſayd wyfe the Lady Anne mortimer before named, the only heir of the houſe of Clarence, had (as is before ſayd) a ſonne called Richard Duke of Yorke. This Richard, (the principal perſone of the faction whiche dyd beare the white Roſe) after great

great warres with king Henry the sixt)the cheefe of that syde whiche dyd beare the read Rose (was slayne in the battail of VVakefeild: And had three sonnes: Edward Duke of Yorke, George Duke of Clarence: and Richard Duke of Gloceſtre. This Edward Duke of York (as is before mentioned) put the sixt king Hēry in prison, obteined the kingdome, and so brought the Croune to the house of York, and was called king Edward the fowerth. He had a sonne whiche succeded hym, and was called kyng Edward the fyst: and a Daughter, the Lady Elizabeth, afterward wyse to king Henry the seuenth. The second brother George Duke of Clarence was by his brother kyng Edward the fowerth put to death: he had a daughter, the Lady Margaret, Counteſſe of Sariſburie, afterward maried to Pole. The third brother, Richard duke of Gloceſtre, after the deceaſſe of his brother King Edward the fowerth, caused the yong kyng, Edward the fyst, his said brothers sonne, traiterously to be mordered: & lyke a Tyranne vsurped the Croune, and called him selfe king Richard the third: but (as he iustly deserued)he dyed dishonorably, and was slain in the battail beside Bosseworth, by king Hēry the seuēth, & so dyed without issue. This seuenth king Henry, descended of the house of Lancastre, was then the principal persone of the other partie agaynst the house of York. But (to take away the matter of that contention)he maried the said Elizabeth daughter to the sayd King Edward the fouerth, then right heir of the houſe of York: and so by vniting those two houses, he dyd cut of all those long and perniciouse broyles: Thus I haue brieſlye: set downe the original cause, and the finall ende also, of that so great and troubleſsome faction.

The vnion of the houses of York and Lancastre.

Yet to procede further touching the said king *The yſſue*

of Kinge Henry the seuenth.

Henry the seuenth: he had by his said wyfe, Quene Elizabeth, a sonne called king Henry the eight (for his other sonnes I omit, because they died in the life tyme of their father, and without issue.) And he had also two daughters, Margaret, wyfe of the fowerth kyng Iames of Scotland, and Marie the wyfe of the twelueth king Lewes of Fraunce. This king Henry the eight had for his first wyfe, Catharin daughter to Ferdinando king of Spayn: and by her he had a daughter, the Ladye Marye, afterward Queene of England. But vnder a pretence that the sayd Catharin was the wyfe of his deceassed brother Arthur, he putt her awaye, and brought in Anne Bolleine, daughter of Syr Thomas Bolleine knight: and by her he had a daughter the most renowmed Lady, Elizabeth, now Queene of England: And afterward he stroke of the head of the sayd Anne, and Maryed the Ladye Iane Semer, a knyghtes daughter: by whom he had his sonne Edward: whiche afterward was Ringe Edward the sixt, and dyed without yssue. Then were called to the crown by succession, first the sayd Lady Marie: and after her, the sayd Ladye Elizabeth now Queene. After whose deceasses, without any laufull yssue of their bodyes, the next place in succession ought of right to remayn to the sayd most noble Ladye Marye, now Queene of Scotland,

But before I enter into the explication of this matter, it shall not be farre from the purpose, somewhat to speake of these other personnes that chalenge the right of succession, as properly to them selues belonging.

King Henry therfore the seuenth, by the sayd Queene Elizabeth daughter to king Edward the fowerth had (as you haue heard) his said sonne king Henry the eight, and his sayd two daughters, the

Lady

Lady Margaret, wyfe to king Iames of Scotland the fowerth, & the ſaid Lady Mary, wyfe to the ſayd king Lewes of Fraunce the twelueth: by whom ſhe had no yſſue. And the ſayd king Henry the eight had (as I haue ſayd) by diuerſe venters his ſayd thre children, king Edward, Queene Marie, and Queene Elizabeth. Of the ſayd Queene Margaret, eldeſt daughter to the ſeuenth king Henry of England, was by the ſayd King Iames the fowerth, her firſt buſband, begotten and borne, the fift king Iames of Scotland, father to the ſayd moſt noble Ladye, Marie, now Queene of Scotland. And after the deceaſe of the ſayd king Iames the fowerth, the ſame Queene Margaret was maried to Archebald Erle of Anguiſh, and by him had a daughter, called the Ladie Margaret Duglaſſe, ſometyme the wyfe of Mathew Steward, Erle of Leneux, by whom ſhe had two ſonnes, Henry and Charles, of whom I will ſpeake here after.

The yſſue of Queene Margaret of Scotlãd.

Mary the yonger daughter of king Henry the ſeuenth after the deceaſe of her firſt huſband the twelueth, king Lewes of Fraunce, by whom ſhe had no yſſue, was maried to Charles Brandon, Duke of Sulffolk: by whom ſhe had two daughters: Frãciſe & Eleonor. For of her ſõnes I omitt to ſpeak, becauſe they died without iſſue. The ſaid Lady Franciſe was maried to Henry Gray Marqueſſe of Dorceſtre, afterward Duke of Suffolke. This Henry Gray begat of her, thre daughters, to witt, Iane, Catharin, & Mary. The ſame Lady Iane eldeſt of thoſe thre, was maried to Gilford Dudley, the ſonne of Iohn duke of Northumberland: a mariage begunne in an vnfortunate houre: for it brought with it deſtruction well to them bothe, as to their parents, and many others. The ſayd Ladye Catharin was eſpouſed to Henry Harbert eldeſt ſonne of VVilliam Erle of Pembroche.

The yſſue of Marye the Frẽche Queene.

Pembroche. And the Ladye Marye yongeſt of the ſaid three, was betrothed to Arthur Gray, ſonne of VVilliam Gray: But bothe thoſe contractes afterward, by the procurement and ſpecial labour of the parentes, rather than vpon good matter (as I haue heard) were in open court diſſolued, and pronounced to be of no validitie in law. The like happened touching a priuie contract made betwene the ſame Lady Chatharin & the Erle of Hartforde, by whom ſhe had two ſonnes yet lyuing. Of whome I will ſpeak hereafter. And thus farre touching the iſſue of the Lady Franciſe, thone of the ſayd two daughters of Charles Brandon by Mary the Frenche Queene.

Now let vs come to the ſayd Lady Eleonor, the other daughter of the ſayd Mary. This Eleonor was maried to George Clyfford, Erle of Cumberland: who had by her a daughter, the Lady Margaret, now wyfe to the Erle of Darby: whiche two haue iſſue betwene them yet liuing. And this is the true genealogie and pedegrue (forſomuch as I could euer learn) of all ſuche iſſue and oſſpring deſcended of king Henry the ſeuenth, and Queene Elizabeth his wyfe, as at this day can claime any right title, or intereſt in the Croune of England. The remayn is to adde hereunto ſomewhat touching the progenie of the before named king Edward the fowerth.

The yſſue of King Edvvard the fowerth

This king Edward the fowerth, the principall perſonne of the faction of the whyte Roſe, had two ſonnes: whom his brother Richard, aſpiring to the Croune (a patern of the worſt marke that euer was in the memory of man) cauſed to be mordred: And he had alſo fower daughters: the eldeſt was Queene Elizabeth the before named wyfe of King Henry the ſeuenth, the cheefe of the faction of the reade Roſe, as is before mentioned. An other of the daughters was the Lady Catharin, wyfe to VVilliam Courtney,

Courtney, Erle of Deuonſhire. Of the other two daughters, there is left no iſſue, and therfore I omitt them. This Lady Catharin had by the ſayd Erle of deuonſhire, a ſonne called Henrie Courtney, whom his Coſin germain, king Henry the eight cauſed to be beheaded vpon a pretenſe of treaſon. This Henry Courtney left one onlye ſonne called Edward Courtney, whom in his tender yeres king Henry the eight impriſoned in the Tower of london, (where he remayned many yeres) till the death of king Edward the ſixt: At whiche time that patterne of ſingular clemencie Queene Marie dyd not only delyuer hym, but alſo reſtored hym to his auncient eſtate of blood and dignitie. This yong noble man afterward dyed without iſſue at Padua in Italie: but if he had liued: he might with beſt right haue claimed the Croune of England, after the iſſues of king Henry the ſeuenth, and Queene Elizabeth his wyfe had bene extinguiſhhed.

In this Courtney now deceaſed, the progenie of King Edward the fowerth had bene determined, as concerning the ſtreight line, if the offſpring of king Henry the ſeuenth, and Quene. Elizabeth his wyfe, were not yet liuing. But if that (at any tyme) faile: then muſt they ſeke for an heyr in the collateral line.

The collaterall lyne of the ſucceſſion.

Therfore it is to be noted, that the before mentioned Richard Plantagenet Duke of York (which was ſlayn by Henry the ſixt in the battail of wakefeild, and of whoſe progenie we now ſpeake,) had three ſonnes: to witt, king Edward the fowerth: George Duke of Clarence, and Richard Duke of Gloceſtre. Now then, for default of iſſue in lineal deſcent from Edward the eldeſt brother, we muſt haue recourſe (as is before ſayd) vnto the collateral deſcent, that is, to George Duke of Clarence, the

ſecond

ſecond brother, and to his ſucceſsion. For to ſpeak any more of Richard the yongeſt brother, whiche dyed without iſſue, it were ſuperfluouſe.

George then, duke of Claréce (, yonger brother to Edward the fowerth) had by his vyfe, Iſabell (Counteſſe of VVarwik and Sariſbury) two children, to witt, Edward and Margaret. This George vpon ſuſpition of treaſon to affect the kyngdome, was by kyng Edward his brother priuilye put to deathe: And his ſonne Edward being but a child empriſoned in the Tower of lond, where he was deteined vntill at laſt, vpon lyke ſurmiſe, kinge Henry the ſeuenth ſtroke of his head But the ſayd Lady Margaret, Counteſſe of Sariſburie, was maried to Sir Richard pole knight, by whom ſhe had diuers ſonnes: to wytt, Henry, Arthur, Geffray, & Reinald, the ſame, which afterward for his rare vertues and ſingular wiſdome and learning, was aduaunced to the dignitie of a Cardinal, and called Cardinal Pole.

Cardinal Pole.

Henry the eldeſt brother (to omitt the reſt) had two daughters: Catharin Pole the elder ſiſter, whiche was maried to Franciſe Haſtinges, Erle of Huntingdon: and VVenefride the yonger ſiſter. Of whiche VVenefride there is no nede to ſpeak any more: becauſe there is yet liuing, deſcended of the ſayd Ladye Catharin, a plentifull generation. Thus it is euident and very playn that whan the lineal deſcent in bloode from king Henry the ſeuenth and Queene Elizabeth, his wyfe ſhall fayle: then muſt the right of the white Roſe, that is to ſaye, of the houſe of Yorke, whiche dyd ſpring of king Edward the fowerth be tranſplanted, and be deriued by a collateral lyne from George Duke of Clarence vnto the houſe of the Poles, and ſo vnto the houſe of haſtings or Hūtingdon.

Yet is there an other braunche ſprong out of the

the ſame ſtock, I mean from Edward the third in a long courſe of deſcent. And that is Philip the king Catholique of Spayn deſcended from Iohn of Gaunt Duke of Lancaſtre, third ſonne of king Edward the third. For the ſayd Iohn of Gaunt had two daughters: Philipp and Catharin. This Ladye Philipp was mother to Edward king of Portugal: of whome all other the kings of Portugal, ſithince that tyme till this day, are deſcended. This Edward king of Portugal was father to Eleonor the Empereſſe, whiche was mother to Maximilian, the Emperor: father to Philipp king of Caſtil, father to that moſt victoriouſe Emperour Charles the fift, father to the moſt prudent Prince, Philipp, the King Catholik of Spayn, now raigning, & to the moſt graciouſe Ladye Marie, mother to Rudolphus now Emperour.

The nowe Emperor and King Philip are deſcended from King Edvvard the third.

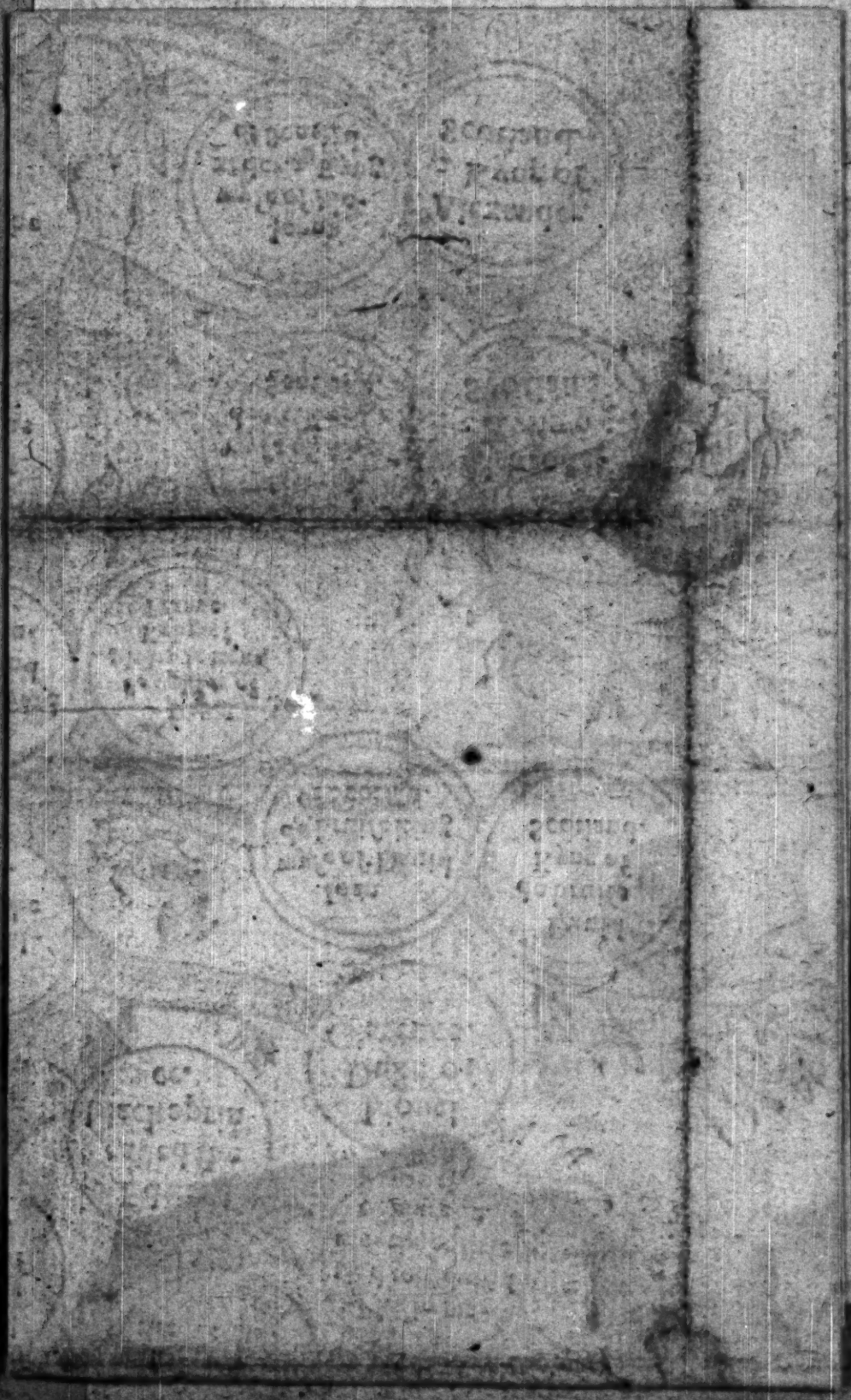
But (not to omitt any thing which appertayneth to the Royall ſucceſsion) I think it good to adde a word or two touching the Lady Margaret Duglaſſe, Aunt (that is to ſaye, ſiſter to the father) of my Soueraign Lady, now Queene of Scotland: her mean whiche was maried to the Erle of Leneux: a mariage verie plauſible to king Henrye the eight, for he indued her with great poſſeſſiõs in England: This Ladye Margaret had by the ſayd Erle two ſonnes, Henry and Charles. Afterward the ſame Henry went in to Scotland to viſit his father: and being in the Court there, a comely yong gentlemã, verie perſonable, and of great expectation, fownd the fauour in the ſight of that moſt Gratiouſe Queene of Scotland, as her Maieſtie created hym Duke of Albanie & Erle of Roſſe: And there withall ſhe made a ſpeciall choyſe of hym to be her huſband: thynking therby, that (becauſe he was born and brought vp in England) her right and title might

might be more fortifyed, and all surmised defectes supplied, yf any thing there were that coulde be obiected against her Maiestie.

After this Mariage betwene that most noble Queene and the sayd Henry was solemnized and consummate: her Grace had by hym a sonne, my said Soueraign now king of Scotland, called Iames the sixt: A noble Prince, of heroical towardnesse, and of the best hope: the vndoubted laufull heir of that most gratiouse Queene: representing allwayes from his infancie a liuely Image of his mother and of her beautie, vertues and graces.

Thus muche in few woordes concerning the succesion of the Croune of England, and of those persones which clame any interest therein. But (to the ende that all thinges may be more perfectlye discerned) I haue caused to be sett downe, in a table hereunto annexed, all the degrees of descents, both lineal and collaterall from king Edward the third, from whome eyther of those two families of York & Lancastre doe take their begynning: In whiche table, the whole order and processe of that noble stocke, hanging together in a continuall course of succession, may most easily appeare at the first sight.

Here is to folowe a Table of the sayd Genealogie.



The howse of Suffolke.

The house of huntingdon.

The house of Lancastre.

The house of Yorke.

The house.

The line of Portugal.

The line of Castil.

The lyne.

D. Iames.

D. Philip.

Iames.6. Kyng of Scotland.

Arbella.

Charles Stuart maried to Elizabeth Cauendish.

Henry Stuart second husband of Mary Queene of Scotland.

Marye Queene of Scotlād maried to.

Mathew Stuart Erle of Ieneux.

Margaret wyfe of Mathew Erle of Leneux.

Archebald Erle of Angus secōd husbād to Queene Margaret.

Rudolphe Emperour, & archeduke of Austriche.

Anne wife of Philip kyng of Spayn.

Philip Kyng of Spayn.

Maximilian Emperour Archeduke of Austriche.

Mary daughter of Charles 5 and vvife of Maximiliam Emperour.

Iames.5. Kyng of Scotland.

Iames.4. kyng of Scotland maried to.

Margaret first maried to King Iames.4. and after to

Ferdimand Emperour, and Archeduke of Austriche.

Charles.5. Emperonr and kyng of Spayn.

Isabel the eldest daughter of Emanuel, and vvife of Charles 5 Emper.

Philip king of Castill in right of his wife.

Ioan Quene & heir of Castil, wyfe of Philip.

Maximilian 1. Emperour.

Elizabeth heyr of Castil vvyfe to the Kyng of Aragon.

Emanuel Kyng of Portugal.

Eleonor wyfe of Frederik Emperour.

Iohn Kyng of Castil.

Ferdinand.

Edward Kyng of Portugal.

Catharin wyfe of Henry.3. Kyng of Castil.

Philip wyfe of Iohn 1. Kyng of Portugal.

Edward.

15. King Henry the sixt.

14. King Henry the fift.

13. Kyng Henry the fowerth.

Iames.3. Kyng of cotland

19. Kyng Henry the seauenth maried to.

Iames.2. Kyng of Scotland.

Iames.1. Kyng of Scotland.

Ioan wyfe of Iames.1. king of Scotland.

Margaret maried to Edmond Erle of Richemōd

Iohn Duke of Somerset.

Iohn Erle of Somerset.

Elizabeth maried to king Henry the seuenth.

Blāche heir of Henry D. of Lancastre, vvife of Iohn of Gaunt.

Iohn of Gaunt D. of Lāc. in right of his wife

Henry Duke of Lancastre.

Henry Erle of Lancastre.

Edmond Erle of Lancastre.

Henry 4. Kyng of Scotland.

Iames. Kyng of Scotland.

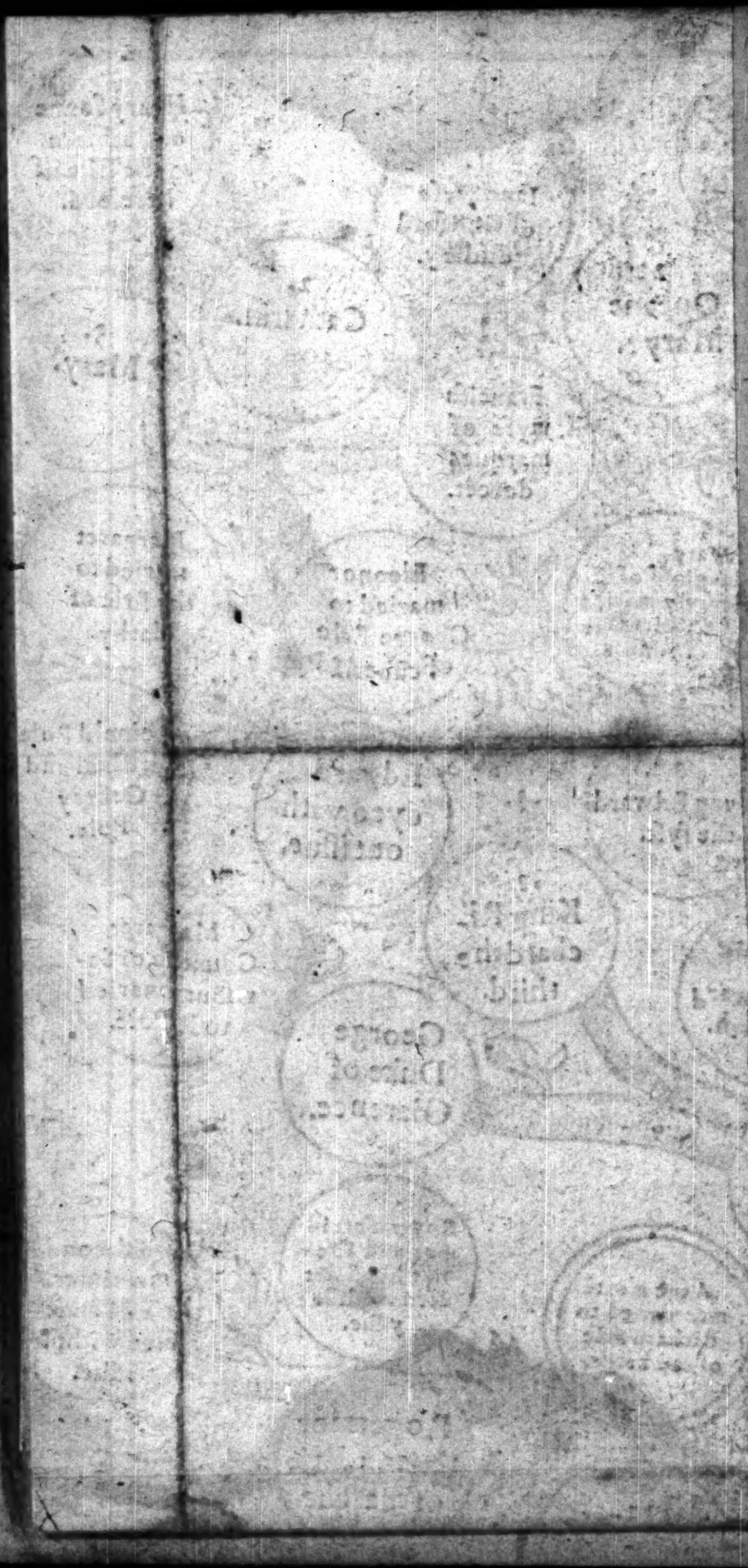
Iohn Kyng of Scotland.

Iohn Erle of Richemond.

Iohn Erle of Somerset.

Henry Erle of Richemond.

Edmond Erle of Somerset



A FVRTHER PROOFE OF THE SAYD TITLE OF SVCCESSION, VVITH A RESOLVTION OF the obiections of the Aduerſaries.

VVE SAY THEN and affirme, that the next right Heire & Succeſſour apparent vnto the Croune of the Realme of England, is at this time ſuche a one, as for the excellent guiftes of God and nature in her moſt princely appearing, is worthie to inherit either that noble Realme, or any other, be it of much more dignitie and worthines.

But nowe I clame nothing, for the worthines of the perſone, whiche God forbid ſhould be any thing preiudiciall to the iuſt title of others. Yf moſt open and manifeſte right, iuſtice and title do not concurre with the woorthines of the perſone: then let the praiſe aud woorthines remaine where it is, and the right where God and the lawe hath placed it.

But ſeing God, Nature and the lawe doth call the perſon to this expectation, whoſe intereſt and clame I do now proſequute (I meane my vndouted ſoueraine Ladye, Marye Queene of Scotlande) I hope, that when her right and iuſte title ſhalbe throughly heard and conſidered by the indifferent Reader, if he be perſuaded already for her right, he ſhalbe more firmely eſetled in his true and good opinion: and that the other parties, being of a contrarie minde, ſhall finde good cauſes and groundes, to remoue them from the ſame, and to geue ouer and yelde to the truthe.

Her Graces Title then, as it is moſt open and

euidente, ſo it is moſte conformable to the lawe of God, of Nature, and of that Realme: And conſequentlye, in a manner, of all other Realmes in the worlde, as growing by the neareſt proximitie of the Royal blood. She is a Kinges and a Queenes daughter, her ſelfe a Queene, daughter (as is before declared) to the late King Iames of Scotlande ſonne to Ladie Margarete the eldeſt Syſter to the late King Henrie the eight. VVhoſe daughter alſo the late Ladie Lenoux was, by a later huſbande. But Ladie Frauncis, late wife to Henrie Marques Dorſette, afterwarde Duke of Suffolke: and the Ladie Eleonour, late wife to the Earle of Cumberlande, and their Progenie proceede from the Lady Marie, Dowager of Fraunce, yongeſt Siſter of the ſayd King Henrye, late wyfe to Charles Brandon Duke of Suffolke as is before declared.

I might here fetche foorth olde farne dayes. I might reache backe to the noble & worthie Kings long before the Conqueſt, of whoſe Royal blood ſhe is deſcended. VVhiche I Intend not to treat vpon at this tyme. And though perhappes it might ſeme not much to enforce her title: yet may it ſerue to proue her no ſtranger to England, being of ſo long continuance, and ſo many wayes deſcended of the kings, and Royal blood of that Realme. But the Argumentes and prouffes, whiche we meane to alleage and bring forth for the confirmation of her right and title in Succeſſion (as Heire apparent) to the Croune of Eagland, are gathered and grounded vpon the lawes of God and nature: and not onely receaued in the Ciuile policies of other nations, but alſo in the olde lawes and Cuſtomes, of the Realme of England, by reaſon approued, & by vſage and longe continuance of tyme obſerued, from the firſt conſtitution of that Realme in politi-

call

call order, vnto this preſent day.

And yet for all that, hath it bene, and yet is, by ſome men attempted, artificiallye to obiecte and caſte many myſtie darke cloudes before mennes eyes, to kepe from them (if it may be) the cleare light of the ſayd iuſt title, the whiche they would extinguiſh, or at the leaſt blemiſh with ſome obſcure ſhadow of lawe, but in deede againſt the lawe: and with the ſhadowe of Parlamentes, but in deede againſt the true meaning of the Parlamentes.

And though it were enough for vs (our cauſe being ſo firmely and ſuerly eſtabliſhed vpon all good reaſon and lawe) to ſtande at defence: and only to auoide (as eaſely we may) their obiections, whiche principally and chiefly are grounded vpon the common lawes and Statutes of that Realme: yet, for the bettering and ſtrengthening of the ſame, we ſhall Lay forth ſundrie great & inuincible reaſons, conioyned with good and ſufficient authoritie of the lawe, ſo approued and confirmed, that the Aduerſaries ſhal neuer be able iuſtly to impugne them: And ſo, as we truſt, after the reading of this Treatiſe, and the effectes of the ſame well digeſted, no maner of ſcruple ought to remaine in any indifferent mans hart, concerning her right and title.

VVhoſe expectation and conſcience allthough we truſte fully in this Diſcourſe to ſatiſfie, & doubt nothing of the righteouſnes of our cauſe: yet muſt we nedes confeſſe, the manner & forme to entreate therof to be full of difficulty & perplexity. For ſuch cauſes of Princes, as they be ſeldome and rare, ſo is it more rare & ſtrange, to finde them diſcourſed, diſcuſſed and determined by any lawe or ſtatute: albe it nowe & then ſome ſtatutes tende that waye. Neither do the lawes of England, nor the Corps of the Romaine and Ciuil lawes medle ſo muche with

Inſt. de iuſt & iure fin.

l. princeps D. de leg. l. dignũ v. x. C. eodem.

the direction of the right, and titles of kings, as with priuate mens causes.

And yet, this notwithstanding, for the better iustification of our cause, albeit it, I denie not but that by the common lawe it must be knowen, who ought to haue the Croune: and that the common lawe muste discerne the right, aswel of the Croune, as of subiectes: yet I saye, that there is a great difference betwene the Kings right, and the right of others: And that the title of the Croune of that Realme of England is not subiect to the rules and principles of the common lawe of that Realme, as to be ruled and tryed after suche order and course, as the inheritance of priuate persones is by the same. For the proofe whereof let vs consider, what the common lawe of that Realme is, and how the rules thereof be grounded and do take place. It is very manifeste and plaine, that the common lawe of the Realme of England is no lawe written, but is grounded onely vpon a common and generall custome throughout the whole Realme, as appeareth by the Treatise of the auncient & famous VVriter of the lawes of the Realme named *Ranulphus de Glannilla*, who wrote (in the time of the noble King Henrie the second) of the lawe and Custome of the Realme of England: being then, and also in the time of the raigne of King Richarde the firste, the chiefe Counsailour and Iustice of the same king: and also by the famouse Iustice, Forteſcue, in his booke whiche he wrote (being Chauncellour of England) *De laudibus Legum Angliæ*. And by 33. H. 6. 51. and by E. 4. 19. VVhiche Custome by vsage and continuall practise heretofore had in the kinges Courts within that Realme is onely knowen and mainteined: wherein the Englisſh nation seeme much agreable to the olde Lacedemonians, who, many

The common lawe of England is rather grounded vpon a generall custome, than vpon any lawe written.

In Prologo sup. eiusdē. li. fo. 1. & 2. De dict. Ranulpho Glanuilla. vide Giraldum Cambren. in topogra. de VVallia.

Forteſcue de lau. Leg. Angl. c. 17. 8. E. 4. 19. 33. H. 6. 51. Pinſons prime.

many hundred yeres paſt, moſt politikely and famouſly gouuerned their common VVealth with lawe vnwritten: whereas among the Athenians the writen lawes bare all the ſway. *Inſt. de iu re natura. gent. & ciuil. ℞. ex non ſcript.*

This thing being ſo true, as with any reaſon or good authoritie it can not be denied: then we are further to conſider, whether the kinges title to the Croune can be examined, tried and ordered by this common Cuſtome, or no. Yf it may: then muſt yt be proued by ſome recorde, that it hath bene ſo vſed: otherwiſe the aduerſaries only ſay it, and nothing at all proue it. For nothing can be ſayde by lawe to be ſubiecte to any cuſtome, vnleſſe the ſame hath bene vſed accordingly, and by force of the ſame cuſtome. But I am well aſſured, that the aduerſaries are not able to proue the vſage and practiſe thereof, by any record in any of the Kings courts. Yea I will further ſay, and alſo proue, that they neither haue ſhewed, nor can ſhew any one rule, general or ſpecial, of the cõmon lawe of that realme, that hath bene taken, by any iuſt cõſtruction, to extende vnto, or bind the King or his Croune. I will not denie, but that (to declare & ſet forth the prerogatiue and Iuriſdiction of the King) they may ſhewe many rules of the lawe: but to binde hym (as I haue ſayde) they can ſhewe none. *Th: Aduerſaries haue ſhewed no rule of the common lawe that bindeth the Croune.*

The obiections of the aduerſaries touching Aliens borne are clearlie auoided.

OVR aduerſaries, in a booke gyuen out by them touching this ſucceſsion, doe alleige for a Maxime in lawe moſt manifeſt, that who ſo euer is borne out of England, and of father and mother, not being vnder obediẽce of the King of England, can not be capable to inherite any thing in England. VVhiche rule being generall, without any wordes of exception, they alſo ſay, muſt nedes

extende vnto the Croune. VVhat they meane by lawe, I knowe not. But if they meane (as I thinke they do) the common lawe of England: I answere, there is no suche Maxime in the common lawe of the Realme of Englande as hereafter I shall manifestly proue.

But if it were (for argumentes sake) admitted for this time, that it be a Maxime or general rule of the common lawe of England: yet to saye, that it is so general, as that no exception can be taken against the same rule, they shewe them selues either ignorant, or els very careless of their credite. For 25. E. 3. it doth plainely appeare by the Statute of 25. E. 3. (being a declaration of that rule of the lawe, which I suppose they meane in terminge it a Maxime) that this rule extendeth not vnto the Kinges children. VVhereby it moste euindently appeareth, that it extendeth not generally to ail. And if it extende not to binde the Kinges children in respect of any inheritance descended vnto them from any of their Aunceſtours: it is an Argument *à fortiori*, that it doth not extende to binde the king or his Croune. And for a full & short answere to their Authorities sett foorth in their marginall Notes, as 5. *Edvvard.* 3. *tit. Ayle* 1^a. *Edvv.* 3. *tit. Bref.* 31. *Edvva* 3. *tit. Cosen.* 42 *Ed.* 3 *fol.* 222 *Henric.* 6 *fol.* 42. 11. *Henric.* 4. 23. & 24. *Litleton. ca. vilenage*: it may plainly appeare vnto all, that will reade and peruse those Bookes, that there is none of them all, that doth so muche as with a peece of a word, o by any colour or shadow seeme to intende, that the title of the Croune is bounde by this their supposed generall rule or Maxime. For euerie one of the said Cases argued and noted in the said Booke are onely concerning the disabilitie of an Alien borne, and not Denizon, to demaunde any landes by the lawes of the Realme by

suite

suite and action onely, as a subiect vnder the King: and nothing touching any disabilitie to be laied to the King hymselfe, or to his subiectes. Is there any cõtrouersie about the title of the Croune, by reason of any suche disabilitie touched in any of these Bookes? No verely, not one woord, I dare boldely say: As it may most manifestly appeare to them, that will reade and perwse those bookes. And yet the aduersaries are not ashamed, to note them as sufficient authorities for the maintenance of their euill purpose and intent. But as they would seeme to vnderstand, that their rule of disabilitie is a generall Maxime of the lawe: so me thinketh they should not be ignorant, that it is also as general, yea a more general rule & Maxime of the lawe, that no Maxime or rule of the lawe can extende, to binde the king or the Croune, vnlesse the same be specially mentioned therein, as may appeare by diuerse principles and rules of the lawe, which be as general, as is their sayd supposed Maxime: and yet neither the king, nor the Croune is by any of them bound. As for example: it is very plaine, that the rule of Tenante by the Curtesie is general without any exception at all. And yet the same bindeth not the Croune, neither doth extende to geue any benefite to him that shall Marie the Queene of England. As it was plainely agreed by all the lawiers of that Realme, when king Philip was maried vnto Queene Marie: although (for the more suertie and plaine declaration of the intentes of King Philip and Queene Marie, and of all the states of that Realme) it was enacted, that king Philip should not clame any title to be Tenaunt by the Curtesie. It is also a generall rule, that if a man dye seysed of any landes in Fee simple without yssue male, hauing diuerse daughters: the lande shalbe equally diuided among

The aduersaries case perteineth to subiectes onely.

No Maxime of the lawe bindeth the Croune, vnles the Croune specially be named.

1. *Of Tenant by the curtesy.*

2. *Nor that the landes shalbe diuided among the daughters.*

the daughters: VVhich rule the learned men in the lawes of that Realme agreed (in the lyfe of the late noble Prince Edwarde) and alſo euery reaſonable man knoweth (by vſage) to take no place in the ſucceſsion of the Croune. For, there the eldeſt enioyeth all, as though ſhe were iſſue male. Likewiſe it is a general rule, that the wife after the deceaſe of her huſband, ſhalbe endowed & haue the third parte of the beſt poſſeſsions of her huſband. And yet it is verie clere, that a Queene ſhall not haue the thirde parte of the landes belonging to the Croune, as appeareth *in 5. E. 3. Tit. prærogat. 21. E. 3. 9. & 28. H. 6.* and diuers other bookes. Beſides this, the rule of *Poſſeſſio fratris*, being generall, neither hath bene, or can be ſtretched to the inheritance of the Croune. For the brother of the half blood ſhall ſuccede, and not the ſiſter of the whole blood, as may appeare by Iuſtice Moile: and may be proued by King Etheldred, brother and ſucceſſor to king Edward the Martyr: and by kyng Edward the Confeſſor, brother to king Edmunde: and by diuers other, who ſucceded in the Croune of England, being but of the halfe blood: As was alſo the late Queene Marie: and is at this preſente her ſiſter. VVho both, in all recordes of the lawe, wherein their ſeuerall rightes and titles to the Croune are pleaded (as by daily experience, in the Exchequer, & in all other Courtes is manifeſt) doe make their conueiance as heires in blood the one to the other: whiche, if they were cõmon or priuate perſons, they could not be allowed in lawe: they (as is well knowen) being of the halfe blood one to the other: that is to wit, begotten of one father, but borne of ſundrie mothers. It is alſo a generall rule in the lawe, that the executour ſhall haue the goodes and Chattles of the teſtatour, & not the heyre. And yet is it other wiſe in the caſe of the

3. *Nor the wife ſhall haue the third part.*

4. *Nor the rule of Poſſeſſio fratris, &c.*

5. *Nor that the executour ſhall haue the*

of the Croune. For there the ſucceſſour ſhall haue them, and not the executour, as appeareth in 7 H.4. by Gaſcoine. It is likewiſe a general rule, that a man attainted of felony or treaſon, his heire through the corruption of blood (without pardon and reſtitution of blood) is vnable to take any landes by diſcente. VVhich rule (although it be generall) yet it extendeth not to the deſcente or ſucceſsion of the Croune: although the ſame Attainder were by acte of Parlamente: as may appeare by the Attainder of Ricarde Duke of Yorke, and king Edward his ſon, and alſo of king Henry the ſeuenth: who were attainted by acte of Parlament, and neuer reſtored: and yet no diſhabilitie thereby vnto any of them, to receaue the Croune by lawfull ſucceſsion.

goods and Chattles of the teſtatour. 7.H.4.fol. 42.

6.

Nor that a traitour is vnable to take lãdes by diſcẽte. and vvithout pardõ.

But to this the aduerſaries wold ſeeme to anſwere in their ſaid booke, ſayeing, that Henry the ſeuenth, not with ſtanding his attainder, came to the Croune, as caſte vpon him by the order of the lawe: for ſo much as when the Croune was caſte vpon him, that diſhabilitie ceaſſed. VVherein they confeſſe directly, that the Attainder is no diſhabilitie at all to the ſucceſsion of the Croune. For although no diſhabilitie can be alleaged in him, that hath the Croune in poſſeſsion: yet if there were any diſhabilitie in him before to receue and take the ſame by lawful ſucceſsiõ: then muſt they ſay, that he was not lawful King, but an vſurpet. And therfore in confeſsing Henry the ſeuenth to be a lawful king, and that the Croune was lawfully caſte vpon him, they confeſſe directly thereby, that before he was kinge in poſſeſsion, there was no diſhabilitie in him to take the Croune by lawful ſucceſsion, his ſaid Attainder not withſtanding, whiche is as muche as I would wiſh them to graunt.

But in concluſion, vnderſtanding them ſelues

An aunſwvere to the aduerſary making a difference betwvene attainder & the birth out of the allegeance.

that this their reaſon can not mainteine their intent: they goe about an other way to helpe them ſelues, making a difference in the lawe betwene the caſe of Attainder, & the caſe of foraine birth out of the kinges allegeance: ſayeinge, that in the caſe of the Attainder neceſsitie doth enforce the ſucceſsion of the Croune vpon the partie attaynted. For otherwiſe, they ſay, the Croune ſhall not deſcēde to any. But vpon the birth out of the kinges allegeāce they ſay, it is otherwiſe. And for proofe thereof they put a caſe of I. S. being ſeaſed of landes, and hauing iſſue A. and B. A. is attainted in the life of I. S. his father: and after I. S. dieth, A. liuing vnreſtored. Nowe the lande ſhal not deſcende either to A. or B. but ſhal goe to the Lorde of the Fee by way of eſchete. Otherwiſe it had bene (they ſay) if A. had bene borne beyond the ſea, I. S. breaking his allegeance to the king, and after I. S. cometh agayne into the Realme, and hath iſſue B. and dieth: for now (they ſay) B. ſhall inherite his fathers Landes.

Yf the Croune had bene holden of any perſon, to whome it might haue eſcheted, as in theyr caſe of I. S. the lande did: then peraduenture there had bene ſome affinitie betwene theyr ſaid caſe, and the caſe of the Croune. But there is no ſuche matter. Byſides that they muſte conſider, that the king cometh to the Croune, not onely by deſcent, but alſo & chiefly by ſucceſsion, as vnto a corporation. And therefore they might eaſely haue ſene a difference in theyr caſes betwene the kinges Maieſtie, and I. S. a ſubiecte: And alſo betwene landes holden of a Lorde aboue, & the Croune holden of no earthly Lorde, but of God almighty onely.

But yet for arguments ſake I woulde faine knowe, where they finde their difference, and what authoritie they can ſhew for the proof thereof?

They

They haue made no marginal note of any authoritie: & therefore vnleſſe they alſo ſaye, that they are Pythagoras, I will not beleue theyr difference. VVel, I amaſſured, that I can ſhew good quthoritie to the contrarie, and that there is no difference in theyr caſes. Yf they peruſe. 22. H. 6: there may they ſee the opinion of Iuſtice Newton, that there is no difference in theyr caſes: but that in both theyr caſes the lande ſhall eſchete vnto the Lorde. And Priſote, being then of Counſaile with the party that clamed lands by a deſcent, wher the eldeſt ſonne was borne beyond the ſeas, durſt not abide in lawe vpon the title. This authoritie is againſt theyr differēce, & this authoritie I am well aſſeured is better, then any that they haue ſhewed to proue their difference. But if we ſhall admit their difference to be according to the lawe: yet their caſes, where vnto they applie their difference, are nothing like, as I haue ſaid before. Now then, to procede on in the proofe of our purpoſe, as it doth appeare, that neither the King, nor his Croune is bound by theſe generall rules, whiche before I haue ſhewed: ſo do I likewiſe ſay of all the reſidue of the general rules & Maximes of the lawe, being in a manner infinite. But to retourne againe vnto their onely ſuppoſed Maxime, whiche they make ſo general, concerning the diſhabilitie of perſones borne beyond the ſeas: it is very plaine, that it was neuer taken, to extende vnto the Croune of the Realme of Englande, as it may appeare by king Stephen, and by king Henry the ſecond, who were both ſtraungers and Frenchemen, borne out of the kinges allegeance, and neither were they kinges children immediate, nor their parentes of the allegeance: and yet they haue bene alwaies accompted lawfull kinges of England: nor their title was by any man at any time defaced

22. H. 6. fol. 43.

The ſuppoſed Maxime of the aduerſaries touchoth not Kinges borne beyond the ſea, as appeareth by King Stephen and King H. 2.

or comptrolled for any ſuche conſideration or exception of foraine birth.

The aduerſaris obiection touching King H. 2. auoided.

And it is a worlde to ſee, how the aduerſaries would ſhifte their handes from the ſaid king Henry the ſecond. They ſay, he came not to the Croune by order of the lawe, but by capitulation, for aſmuche as his mother, by whome he conueied his Title, was then liuing. VVell, admitte that he came to the Croune by capitulation, during his mothers life: yet this doth not proue, that he was diſhabled to receaue the Croune, but rather proueth his abylitie. And although I did alſo admit, that he had not the Croune by order of the lawe during his mothers life: yet after his mothers death, no man hath hitherto doubted, but that he was king by lawfull ſucceſſion, and not againſt the lawes and Cuſtomes of that Realme. For ſo might they put a doubt in all the Kinges of that Realme, that euèr gouerned ſithens. VVhiche thing we ſuppoſe they are ouer wiſe to goe about.

Byſides this, I haue hard ſome of the aduerſaries for further helpe of their intention in this matter ſay, that king Henry the ſecond was a Queenes childe, & ſo king by the rule of the common lawe. Truely I know, he was an Empereſſe childe, but no Queene of Englandes childe. For although Maude the Empereſſe, his mother, had a right and a good title to the Croune, and to be Queene of England, yet was ſhe neuer in poſſeſſion, but kepte from the poſſeſſion, by king Stephen. And therefore king Henry the ſecond can not iuſtly be ſayed, to be a Queene of Englandes childe, nor yet any kynges childe, vnleſſe ye would intend the kinges children, by the wordes of *Infantes de Roy &c*, to be children of further degree, & deſcended from the right line of the king: for ſo ye might ſay truely, that he was

the

the child of king Henry the firſt, being in deede the ſonne and heire of Maude the Empereſſe, daughter and heire of kinge Henry the firſt. VVhereby the ſaide rule of the aduerſaries is here fowly foiled.

As touching Arthur King Richardes nephewe.

And therefore they would (for the maintenance of theyr pretenſed Maxime) catche ſome holde vpon Arthur the ſonne of Ieffrey, one of the ſonnes of the ſaide Henry the ſeconde. They ſay then, like good and ioly Antyquaries, that he was reiected from the Croune, bycauſe he was borne out of the Realme. That he was borne out of the Realme, it is very true: but that he was reiected from the Croune for that cauſe, it is very falſe. Neither haue they any authoritie to proue theyr vaine opinion in this pointe. For it is to be proued by the Cronicles of that Realme, that king Richarde the firſt, vncle vnto the ſayd Arthur, taking his iourney toward Hieruſalem, declared the ſaid Arthur (as we haue declared before) to be heire apparent vnto the Croune: which would not haue bene if he had bene taken to be vnhable to receaue the Croune by reaſon of foraine birth.

Vt autem pax iſta, & ſũma dilectio, tam multiplici, quam arctiori vinculo conne-ctatur: prædictis curiæ veſtræ magnatib⁹ id ex parte veſtra tractantibus Domino diſponẽte condiximus, inter Arthurũ egregium Ducẽ Britanniæ nepotẽ noſtrũ & hæredẽ ſi forte ſine prole obire nos cõtigerit, & filiã veſtrã matrimonium coatrahendum &c. In tractatu pacis inter Richar. 1. & Tancredũ Regẽ

And although king Iohn did vſurpe, aſwell vpon the ſaid king Richard the firſt, his eldeſt brother, as alſo vpon the ſayd Arthur his nephewe: yet that is no proof, that he was reiected, bycauſe he was borne out of the Realme. Yf theſe menne could proue that, then had they ſhewed ſome reaſon and preſident to proue their intent, whereas hytherto they haue ſhewed none at all, nor, I am wel aſſured, ſhall euer be able to ſhewe.

Thus may ye ſee, gentle Reader, that neither this pretenſed Maxime of the lawe ſet forth by the Aduerſaries, nor a great nomber more, as general as this is (whiche before I haue ſhewed) can by any reaſonable meanes be ſtretched, to bind the Croune of

Siciliæ. Vide Reg. Houeden. & Richardum Canonicum S. Trinitatis Londin.

of England. Theſe reaſons and authorities may for this time ſuffice, to proue, that the Croune of that Realme is not ſubiecte to the rules and the Principles of the common lawe, neither can be ruled and tried by the ſame. VVhiche thing being true, all the obiections of the Aduerſaries made againſt the title of Marie the Queene of Scotland to the ſucceſsion of the Croune of that Realme, are fully anſwered, and thereby clearly wiped away. Yet for further arguments ſake, and to the ende we might haue all matters ſifted to the vttermoſt, and therby all things made plaine: let vs, for this tyme, ſomewhat yeelde vnto the Aduerſaries, admitting; that the Title of the Croune of that Realme were to be examined and tried by the rules and principles of the common lawe: and then let vs conſider and examin further, whether ther be any rule of the common lawe, or els any ſtatute, that by good & iuſt conſtruction can ſeeme to impugne the ſaid title of Marie the Queene of Scotland, or no. For touching her lineal deſcente from king Henry the ſeuenth, and by his eldeſt daughter (as we haue ſhewed) there is no man ſo impudent to denie. VVhat is there then to be obiected among all the rules, Maximes, and iugements of the common law of that Realm? Only one rule, as a general Maxime, is obiected againſt her. And yet the ſame rule is ſo vntruely ſet forth, that I can not well agree, that it is any rule or Maxime of the common lawe of the Realme of England. Their pretenſed Maxime is, whoſoeuer is borne out of the realme of England, and of father and mother, not being vnder the obedience of the king of England, cannot be capable to inherite any thing in England. VVhiche rule is nothing true, but altogether falſe. For euery ſtranger and Alien is hable to purchace the inheritance

A falſe Maxime ſet forth by the aduerſaries.

of landes

of landes within that Realm, as it may appeare in 7. & 9. of king Edward the fourth, and alſo in 11. & 14. of king Henrie the fourth. And although the ſame purchaſſe is of ſome men accounted to be to the vſe of the king: yet vntill ſuch time as the king be intitled there vnto by matter of Record, the inheritance remaineth in the Alien by the opinion of all men. And ſo is a very Alien capable of inheritance within that Realme. And then it muſt nedes fall out verye plainlye, that this generall Maxime, where vpon the aduerſaries haue talked and bragged ſo muche, is now become no rule of the common lawe of that Realme. And if it be ſo: then haue they vtered very many woordes to ſmall purpoſe.

7. E. 4. fol. 28. 9. E. 4 fol. 5. 11. H. 4. fol. 25. 14. H. 4. fol. 10.

But yet let vs ſee further, whether there be any rule or Maxime in the common lawe, that may ſeeme any thing like to that rule, wherevpon any matter may be gathered againſt the title of the ſaid Marie Queene of Scotland. There is one rule of the common lawe, in woordes ſome what like vnto that, whiche hath bene alleaged by the aduerſaries. VVhich rule is ſet forth and declared by a ſtatute made anno 25. of king Edward the third. VVhiche ſtatute reciting the doubt that then was, whether infants borne out of the allegeance of England, ſhould be hable to demaund any heritage within the ſame allegeance, or no: it was by the ſame ſtatute ordeined, that all infantes inheritours, whiche after that time ſhould be borne out of the allegeãce of the king, whoſe father and mother at the time of their birth, were of the faith and allegeance of the king of England, ſhould enioy the ſame benefittes and aduantages, to haue and holde heritage within the ſaid allegeance, as other heires ſhould. VVhervpon it is to be gathered by dew & iuſt cõſtruction of the ſame ſtature, and hath bene heretofore commonly

monly taken, that the common lawe alwayes was, & yet is, that no perſone born out of the allegeãce of the king of England, whoſe father and mother were not of the ſame allegeance, ſhould be able to haue or demaund any heritage within the ſame allegeance, as heire to any perſon. VVhiche rule I take to be the ſame ſuppoſed Maxime, that the aduerſaries do meane. But to ſtretche it generally to all inheritãces (as the aduerſaries woulde ſeeme to do) by any reaſonable meanes can not be. For (as I haue ſaid before) euery ſtranger and Alien borne, may haue and take inheritance, as a purchaſer. And if an Alien do Marie a woman inheritable, the inheritance therby is both in the Alien, & alſo in his wife, & the Alien thereby a purchaſer. No man doubteth, but that a Denizon maye purchaſe landes to his owne vſe: but to inherit landes, as heire to any perſon within the allegeance of England, he can not by any meanes. So that it ſeemeth very plaine, that the ſaid rule bindeth alſo Denyzons, & doth onely extend to Deſcentes of inheritance, and not to the hauing of any lande by purchaſe.

The ſtatute of Edvv. 3. An. 25. toucheth inheritance, not purchaſe. 11. H. 4. fol. 25.

Now will we then conſider, whether this rule by any reaſonable cõſtruction can extend vnto the Lady Marie the Queene of Scotland, for and concerning her title to the Croune of England. It hath bene ſaid by the Aduerſaries that ſhe was borne in Scotland, whiche realm is out of the allegeance of England, her father and mother not being of the ſame allegeãce: & therfore by the ſaid rule, ſhe is not inheritable to the Croune of England. Though I might at the beginning very wel and orderly deny the conſequent of this argumente: yet I wil firſt examin the Antecedent, euen by the cõmon opinion and ſentence of Engliſh men: then will I conſider vpon the conſequent. And this I intend, of purpoſe onely

only to diſcouer the improuidence of the aduerſaries, whiche in a matter, where they couet moſt to looke vnto them ſelues, there they leaſt of all prouide for the warrantize of theyr cauſe by their owne pretenſed lawes of the Realme of England. But I mynde not hereupon ſo to ouer rule the matter, as any preiudice may thereby be created againſt the Kynges of Scotland: who haue alwayes kept, and ſtill doe kepe and enioye, with a plain profeſsion & moſt iuſt clame in their owne right, ouer their ſubiectes a ſupreme authoritie, & power, not depending by any lawe right or cuſtome vpon any other Prince or potentate in the world. VVell then (to come to the Antecedent) ſo it is, that the Queene of Scotland was borne in Scotland, it muſt nedes be graunted: but that Scotland is out of the allegeance of England, though the ſayde Queene, and all her ſubiectes doe iuſtlye affirme the ſame, yet there is a verie greate number of men in England, both learned and others, whiche are not of that opinion, but earneſtly auouche the contrary, being led & perſuaded therunto (as they ſay) by diuerſe Hiſtories, Regiſters, Recordes, and Inſtruments, remayninge in the Treaſurie of that Realme: wherin is mentioned (as they alſo ſaye) that the Kynges of Scotland haue acknouleged the Kyng of England to be the ſuperiour Lorde ouer the Realme of Scotland, & haue done homage and fealtie for the ſame. VVhich being true, though all Scotſmen denie it, as Iuſtlie they may: for the homage & fealtie whiche thoſe men ſpeake of was not exhibited nor done in any ſuch reſpect as they ſurmiſe, but in conſideration of the tenures of certein Segnories, Lands, tenements, & hereditaments lyeing in Northumberland, Cumberland, & other Shyres of England, whiche now the Kinges of

Scotland want, and then did enioye & holde of the Kyng of Eugland: As cõmonlie it is ſene in ſondrie parts of Chriſtindome Kyngs and Princes hauyng diſtinct and abſolute regiments, not depending of any other potentate, to holde neuertheleſſe one of an other diuerſe landes townes and countries lyeing within the marches of the one or the others dominions. But admit it to be true whiche theſe men doe ſo auouche: then Scotlande muſt nedes be accompted within the allegeance of England, euen by their owne lawes of the ſame Realme, and by the common opinion of their owne nation. And although ſins the tyme of Kinge Henry the ſixt, none of the Kinges of Scotlande haue done the ſaid ſeruice vnto the Kinges of England: yet that is no reaſon in the lawe of England to ſaye, that therefore the Realme of Scotland at the tyme of the birth of the ſayd Ladie Marie Queene of Scotlande, being in the thirtie and fourth yeare of the raigne of the late Kinge Henrie the eight, was out of the allegeance of the Kinges of England. For the lawe of that Realme is very plain, that though the Tenant do not his ſeruice vnto the Lorde, yet hath not the Lord thereby loſt his Seignorie. For the lande ſtill remaineth within his Fee & Seignorie, that notwithſtanding.

The Lorde loſeth not his ſeignorie, though the tenante doth not his ſeruice.

But peraduenture ſome will obiecte and ſaye, that by this reaſon, France ſhould likewiſe be ſaid to be within the allegeance of England: foraſmuch as the poſſeſsiõ of the Croune of France hath bene within a litle more then the ſpace of one hundred yeares nowe laſt paſt, laufully veſted in the Kinges of England, whoſe right and title ſtill remaineth.

To that obiection it may be anſwered, that there is a great differẽce betwene the right & title, which the kings of England clame to the Realm of Frãce, and

& the right & title which they clame to the Realme of Scotlād. For although it be true, that the kings of Englād haue bene lawfully poſſeſſed of the Croune of France: yet during ſuch time, as they by vſurpation of others, are diſpoſſeſſed of the ſaid Realme of Fraunce: the ſame Realme by no meanes can be ſaid to be within their allegeance: eſpecially conſidering, how that ſyns the time of vſurpation, the people of France haue wholy forſaken their allegeance and ſubiectiō, which they did owe vnto the kings of England, & haue geuen & ſubmitted them ſelues vnder the obediēce & allegeāce of the frēſh. But as for the Realme of Scotlande, it is otherwiſe.

For the Title, whiche the Kinges of England (by the opinion of theſe men) may clame to the Realme of Scotland, is not in the poſſeſsion of the lande and Croune of Scotlande: but onely in the ſeruice of homage and fealtie for the ſame: And though the Kinges of Scotland, many yeres, haue intermitted to doe the ſaid homage & fealtie vnto the Kinges of Englande: yet for all that the Kinges of Scotland can not by any reaſon or lawe be called vſurpers, and vniuſt poſſeſſors.

And thus all indifferente men, not ledd by affections may well ſee, by the recordes & teſtimonies of England, that the Realme of Scotlande, is within the allegeance of England. And ſo is the Antecedēt or firſt propoſition falſe. And yet that maketh no prouſe, that the Realme of France likewiſe ſhould nowe be ſayde to be within the allegeance of the Kings of England, by reaſon of the manifeſt and apparent difference before ſhewed.

But what if the antecedent were true? (as the aduerſaries ſaye it is, and all Scotſmen conſtantly affirme it to be.) Yet it is very plaine, that the ſayde conſequent and concluſion can not by any meanes

The causes vvhy the Croune can not be comprised vvithin the pretended Maxime.

be true: and that principallye, for three causes: whereof one is, for that neyther the Kinge, nor the Croune (not being specially mentioned in the said rule or pretended Maxime) can be intended to be within the meaning of the same Maxime, as we haue before sufficently proued by a great number of other suche like generall rules and Maximes of the lawes. An other cause is, for that the Croune can not be taken to be within the woordes of the said supposed Maxime: and that for twoo respectes: one is, bicause the rule doth onely dishable Aliens to demaunde any heritage within the allegeance of England. VVhiche rule can not be stretched to the demaunde of the Croune of England, which is not with in the allegeance of England: but is the verie allegeance it selfe. As for a like example: it is true, that all the landes within the Kinges dominion are holden of the Kinge, either mediatly, or immediatly: and yet it is not true, that the Croune (by whiche onely the Kinge hath his Dominion) can be said to be holden of the King. For without the Croune there can be neither King, nor allegeance. And so long as the Croune resteth onelye in demaunde, not being vested in any persone, ther is no allegeance at all. So that the Croune can not be saide by any meanes to be within the allegeance of England: and therfore not within the wordes of the said rule or Maxime. The title of the Croune is also out of the wordes and meaning of the same rule in an other respect: and that is, bicause that rule doth onely dishable an Alien to demaund landes by descent as heire. For it doth not extend vnto landes purchased by an Alien, as we haue before sufficiently proued. And then can not that rule extende vnto the Croune being a thinge incorporate: the right wherof doth not descend accor-

VVithout the Croune there can neither be King nor allegeance.

according to the common course of priuate inheritance, but goeth by succession, as other corporations do.

No man doubteth, but that a Prior Alien being no denizon, might alwaves in time of peace demaund land in the right of his corporation. And so likewise a Deane or a Person being Aliens, & no denizons, might demaund lande, in respecte of their corporations, not withstanding the said supposed rule or Maxime, as may appeare by diuerse booke cases, as also by the statute made in the time of king Richard the secõd. And although the Croune hath alwaies gone according to the common course of a Descent: yeth doth it not properly descende, but succede. And that is the reason of the lawe, that, although the Kinge be more fauoured in all his doinges, then any common person shalbe: yet can not the King by lawe auoide his grauntes & Letters Patentes by reason of his Nonage, as other infantes may doe, but shall alwayes be said to be of full age in respect of his Croune: euen as a Person, Vicare or Deane, or any other person incorporate shalbe. VVhiche can not by any meanes be said in lawe, to be within age in respect of their corporations, although the corporation be but one yere olde.

Bysides that, the Kinge can not by the lawe auoide the Letters Patentes made by any vsurper of the Croune (vnlesse it be by acte of Parlement) no more then other persones incorporate shall auoide the grauntes made by one that was before wrongfullye in their places and romes: whereas in Descentes of inheritance the lawe is otherwise. For there the heire may auoide all estates made by the disseasour, or abatour, or any other persone, whose estate is by lawe defeated. VVhereby it doth plainely appeare, that the King is incorporate vnto the

40.E.3. fol.10.13. E.3.Tit. Bref.265. 16.E.3. iurans de sait. 166. 17.E.3. Tit. faire fac 7. *A Deane, a Person. a Priour being an Alien may demande lande in the right of his corporation.* An 3.R.2.6.C.3. fo.21.tit. droit.26. lib.Ass.p. 34.12.li. Ass. tit. enfant.13. H.8.fo.14. 7.E.4.fol. 10.16.E. 3.iurans. de sait. 9. H.6.fol. 33.35.H. 6.fol.35. 5.E.4.fol. 70.49.li. Ass. pl. 88.22.H. 6.fol.31. 13.H.8. fol.14.

The King is alvvaies at full age in respecte of his Croune.

Croune, & hath the same properly by succession and not by Descent onely. And that is likewise an other reason, to proue, that the Kinge and the Croune can neither be sayde to be within the wordes, nor yet with in the meaning of the sayde generall rule or Maxime.

The third and most principall cause of all is, for that in the said statute, wherupon the said supposed rule or Maxime is gathered, the children descendantes and descended of the blood royall by the wordes of *Infantes de Roy* are expresly excepted out of the sayd supposed rule or Maxime. VVhiche wordes the aduersaries do muche abuse, in restraining and construing them, to extende but to the first degree onely: whereas the same wordes may very well beare a more large & ample interpretatiō: And that for three causes & cōsideratiōs.

The Kings childrē are expresly excepted from the surmised Maxime.

Liberorū ff. de verborum signific.

L. Sed & si dē ius vocā doinstit. de hære. ab intest.

L. Lucius ff. de hære. instit.

L. Iusta. & L. Naturū. & L. Liberorū de verb. signi. L. 2. & si mater al S. C. Tertul.

First by the Ciuil lawe this word *Liberi* (which the worde *Infantes*, being the vsuall and originall worde of the statute written in the Frenche tōgue, counteruaileth) doth comprehende by proper and peculiar signification not onely the children of the first degree, but other descendants also in the lawe. As for example, where the lawe sayeth: *That he vvho is manumissed or made free, shall not commence any Action against the children of the Patrone or manumissour vvithout licence*: there not onely the first degree, but the other also are conteined. The like is, where the lawe of the twelue Tables saith: *The first place and roome of succession, after the death of the parentes that die intestate, is due to the children*: there the succession apperteineth as well to degrees remoued, as to the first. Yea in all causes fauourable (as ours is) this worde *Filius*, (a sonne) conteinethe the woord nepos (*A nephevv, that is to say, a sonnes sone or daughters sonne:*) though not by the propertie of the voice

voice or ſpeache, yet by interpretation admittable in all ſuche thinges, as the lawe diſpoſeth of. And as touching this worde *Infants*, in French we ſay, that it reacheth to other deſcēdantes, as well as to the firſt degree. VVherein I do referre me to ſuche as be expert in the ſaide tongue. There is no worde in Engliſh (for the barennes of that tongue) to coūterpaiſe the ſaid French word *Infantes*, or the Latin word *Liberi*. Therefore doe they ſupply it, as wel as they may, by this worde (*Children.*) The Spaniardes alſo vſe this worde (*Infantes*) in this ample ſenſe, when they call the nexte heire to the heire apparent, *Infant of Spaine*: euen as the late deceaſed Lord Charles of Auſtrich was called, his father & grandfather then liuing.

L. Filius de S.C. Maced. L. Senatus de ritu nupt. L. quod ſi nepotes. ff. teſt. cū notatis ibid.

Infantes in Frenche coūtervaileth this vvorde liberi in lat.

Yf then the original woord of the ſtatute, declaring the ſaid rule, may naturally & properly apperteine to all the Deſcendants: why ſhould we ſtraine and bynde it to the firſt degree only, otherwiſe than the nature of the worde or reaſon will beare? For I ſuppoſe verely, that it wilbe very harde for the Aduerſarie, to geue any good & ſubſtantial reaſon, why to make a diuerſitie in the caſes. But touching the contrarie, there are good and probable conſiderations, which ſhall ſerue vs for the ſecond cauſe. As, for that the grandfathers call their nephewes, as by a more pleaſant & plauſible name, not only their children, but their ſonnes alſo: & for that the ſonne being deceaſed (the grandfather ſuruiuing) not only the grādfathers affection, but alſo ſuch right, title and intereſt, as the ſonne hath by the lawe, and by proximitie of blood, growe and drawe al to the nephew, who repreſenteth and ſupplieth the fathers place, the father and the ſonne beinge compted in perſon and in fleſh in manet but as one. VVhy ſhall then the bare and naked conſideration of the external

The grand fathers call their nephues, ſonnes. L. Gallus. & Inſtituens. ff. de liber. Et poſt. I. ff. C. de impub. Aliis ſubſtan. c. 1. q. 4.

Father and ſon cūpted in perſon, & fleſh in maner one

ternal and accidental place of the birth only seuer and sunder suche an entier, inwarde and natural cõiunction? Adde there vnto, the many & great absurdities, that may hereof spring and ensue.

Great absurditie, in excluding the true & right succeſſour, for the place of his birth onely.

Diuerse of the kinges of the Realme of Englãd, as well before the time of King Edwarde the third (in whose time this statute was made) as after him, gaue their daughters out to foraine, and sometimes to meane Princes in mariage. VVhich they would neuer so often times haue done, if they had thought, that whyle they went aboute to set forth and aduaunce their issue: their doinges should haue tended to the disheriting of them from so great, large and noble a Realme, as that is: whiche might haue chaunced, if the daughter hauing a sonne or daughter, had died, her father liuing. For there should this supposed Maxime haue ben a barre to the childrẽ, to succede their grandfather.

This absurditie would haue bene more notable, if it had chaunced about the time of Kinge Henry the second, or this King Edward, or King Henry the firste and sixte, when the possessions of the Croune of that Realme were so amply enlargid in other Countries beyond the seas. And yet neuer so notable, as it might haue bene hereafter in our fresh memorie and remẽbrance, if any such thing had chaunced (as by posibilitie it might haue chaunced) by the late mariage of King Philippe and Queene Marie.

For, admitting their daughter maried to a foraine Prince, should haue dyed before them, she leauing a sonne furuiuing his father and grandmother, they hauing none other issue so nigh in degree: then would this late framed Maxime haue excluded the samẽ sonne lamentably and vnnaturally from the succession of the Croune of Englande: and also

the

the ſame Croune from the inheritance of the Realmes of Spain, of both Sicilies, with their appurtenances, of the Dukedom of Milan, and other landes and Dominions in Lumbardy and Italie: as alſo from the Dukedomes of Brabant, Luxemburg, Geldres, Zutphan, Burgundie, Friſeland: from the Countreies of Flãdres, Artois, Holland, Zealand & Namurs, and from the new found lands, parcel of the ſaid kingdome of Spaine. VVhich are (vnleſſe I be deceiued) more ample by dubble or treble, than all the Countreies now rehearſed. Al the whiche Countreies by the foreſaid Mariage ſhould haue bene by al right deuolued to the ſaid ſonne, if any ſuch child had bene borne.

If either the ſame by the force of this iolie new found Maxime had bene excluded from the Croune of England, or the ſaide Croune from the inheritance of the foreſaid Countreies: were there any reaſon to be yelded, for the maintenance of this ſuppoſed rule or Maxime in that caſe? Or might there poſsibly riſe any commodity to the Realme, by obſeruinge there in this rigourous pretenſed rule, that ſhould by one hundred part counteruaile this importable loſſe and ſpoile of the Croune, and of the lawfull inheritour of the ſame?

An euaſion auoided, pretending the priuilege of the Kĩgs children not to be in reſpect of the Croune. but of other ſades.

But perchãce for the auoiding of this exceptiõ limited vnto the blood roial, ſome wil ſay, that the ſame was but a priuilege graunted to the kinges children, not in reſpect of the ſucceſsion of the Croune, but of other landes deſcending to them from their Aunceſtours. VVhiche although we might very well admit & allowe: yet can it not be denied, but that the ſame priuilege was graunted vnto the Kinges children and other deſcendantes of the Blood royall, by reaſon of the dignitie and worthines of the Croune, whiche the King their father

father did enioy, and the great reuerence, whiche the lawe geueth of dewtie therevnto. And therefore if the aduersaries would go about, to restraine & withdraw from the Croune that priuilege, which the law geueth to the kings childrē for the Crounes sake: they should doo therein contarie to al reason, & against the rules of the Arte of Reasoning, which saith, that: *Propter quod vnumquodque & illud magis.*

Beside that, I would faine knowe, by what reason might a man saye, that they of the Kinges Blood born out of the allegeance of England, may inherite landes within that Realme, as heires vnto theyr Ancestours, and yet not to be able to inherite the Croune. Truly in mine opiniō it were against all reason. But on the contrarie side, the very force of reason muste driue vs to graunt the like, Yea more great and ample priuilege and benefit of the lawe in the succesion of the Croune. For the Roial blood, where so euer it be found, will be taken as a pretious and singular Iewell, and will carie with it his worthie estimation & honour with the people, and, where it is dew, his right withall.

The royall blood beareth his honour with it, where-so euer it be.

By the Ciuill lawe the right of the inheritance of priuate persones is hemmed and inched within the bandes of the tenth degre. The Blood Roial runneth a farther race, & so farre as it may be found: therfore the great & mightie Conquerors are glad & faine to ioyne in affinitie with the blood Roial: euer fearing the weaknes of their owne bloddie sworde, in respect of the greate force and strength of the other. For this cause was Henrie the firste, (called for his learning & wisedome Beauclerke.) glad to consociate and couple him selfe with the auncient Roial blood of the Saxons, whiche continueing in the Princely succesion from worthie king Alured, was cutte of by the death of the good king

Vide Anso. Corsetū de potest. et excell. regi. q. 100.

Oūquerors glad to ioine with the royall blood.

Henry the first.

king Edward: and by the mariyng of Mathildis, being in the fourth degree in lineal descent to the said king Edward, was reuiued and reunited. From this Edward my sayd souueraine ladie the Queene of Scotland taketh her noble auncient Pedegrue. These then, and diuers other reasons & causes mo, may be alleaged for the weighing & setting foorth of the true meaning and intent of the said law.

Now, in case these two causes and considerations will not satisfie the aduersaries: we wil adioine there vnto an other whiche they shall neuer by any good and honest shift auoid. And that is the vse and practise of the Realme as wel in the time foregoing the said statute, as afterward.

VVe stand vpon the interpretation of the common law recited and declared by the said statute, & how shal we better vnderstand, what the law is therein, then by the vse and practise of the said lawe? For the best interpretation of the law, is custome. But the Realme before the statute, admitted to the Croune not only kings children and others of the first degre, but also of a farther degre, and suche as were plainely borne out of the kinges allegeance. The foresaid vse and practise appeareth as wel before, as sithens the time of the Conqueste. Among other, king Eduard the Confessour, being destitute of a lawful Heire whithin the Realme, sent into Hungary for Edward his Nephew surnamed Out law, son to king Edmũd called Ironside, after many yeres of his exile, to returne into England, to the intent the said Outlaw should inherite that Realme whiche neuertheless came not to effect, by reason the said outlaw died before the sayd king Edward, his Vncle.

L. fin. ff. de legibus.

Common vse and practise the best interpretation of the lawe.

Eodẽ anno Rex cũ in diebus suis processisset Aeldredũ Vigornensẽ Episcopũ ad Regẽ Hungariæ transmittens, reuocauit inde filium fratris sui Edmundi

After whose death the said king appointed Eadgar Adeling sonne of the said Outlaw, (being his

Ednardum cũ tota familia sua vt vel ipse. vel filii e.⁹ sibi succederent in regnum. Flor. histo. 1057.

his next cosen) to be his heire, (as he was of right) to the Croune of England. And for that the said Eadgar was but of yong and tender yeres, and not able to take vpon him so great a gouernement: the said king committed the protection, as wel of the yong Prince, as also of the Realm, to Harold, Earle of Kent, vntil suche time, as the said Eadgar had obteined perfit age to be hable to welde the state of a king. VVhich Harold neuertheless contrary to the truste, supplanted the said yong Prince of the kingdome, and put the Croune vpon his owne head.

Flor. histo. 1066. Aelredus Regioual lēf. de reg. Angloriū ad Regem Henr. 2.

By this it is apparent, that foraine birth was not accōpted, before the time of the Conqueste, to be a iuste cause to repel and reiect any man, beinge of the next proximitie in blood, from the Title of the Croune. And though the said king Edward the Confessors will and purpose tooke no suche force and effect, as he desired, and the lawe craued: yet the like succession tooke place effectuously in king Stephen and king Henry the second, as we haue already declared. Neither will the Aduersaries shift of forainers borne of father and mother, which be not of the kings allegeance, help them: forasmuche as this clause of the said statute is not to be applied to the kings children, but to others, as appeareth in the same statute. And these two kings, Stephen and Henrie the. 2. as they were borne in a forain place: so their fathers and mothers were not of the kings allegeance, but mere Aliens and strangers. And how notorious a vaine thing it is, that the Aduersaries would perswade vs, that the said King Henrie the second rather came in by force of a composition, then by the proximitie and nearenes of blood: I leaue it to euery man to consider, that hath any maner of feling in the discours of the stories of that realm. The composition did procure him quietnes

King Stephen. and King. H. 2.

The aduersaries fond imagination, that H. 2. should come to the Croune by composition: not by proximitie of blood.

Rex Stephanus omni hærede viduatus,

and

and reſt for the time, with a good and ſure hope of quiet and peaceable entrance alſo after the death of King Stephen. and ſo it followed in deede: but ther grew to him nomore right thereby, than was due to him before. For he was the true heir to the Croune, as appeareth by Stephen his Aduerſaries owne confeſsion. Henry the firſte maried his daughter Mathildis to Henry the Emperour, by whome he had no children. And no dout in caſe ſhe had had any children by the Emperour, they ſhould haue ben heires by ſucceſsiō to the Croune of England. After whoſe death ſhe retourned to her father: yet did king Henry cauſe all the Nobilitie by an expreſſe othe, to embrace her after his death as Queene, and afrer her, her children.

Not long after, ſhe was maried to Ieffrey Plantagenet a Frenchman borne, Earle of Aniowe, who begat of her this Henry the ſecond, being in Frāce. VVhervpon the ſaid king did reuiue and renue the like othe of allegeance, aſwell to her, as to her ſonne after her. VVith the like falſe perſuaſion the Aduerſaries abuſe them ſelues, and their Readers, touchinge Arthur Duke of Britanie, Nephewe to king Richard the firſt. As though forſooth he were iuſtly excluded by kinge Iohn his vncle, by cauſe he was a forainer borne. If they had ſaid, that he was excluded, by reaſon the vncle ought to be preferred before the Nephewe, though it ſhould haue ben a falſe allegation, and plaine againſt the rules of the lawes of that Realme: (as may well appeare, among other thinges by king Richard the ſecond who ſucceded his grand father king Edward the third, which Richard had diuerſe worthie and noble vncles, who neither for lacke of knowledge, coulde be ignorant of the right, neither for lacke of frendes, courage and power, be enforced to forbeare

præter ſolū modo Ducē Henricum, recognouit in conuēcu Epiſcoporū & aliorum de regno Optimatum quod Dux Henr. ius hæreditariū i regnū Angliæ habebat. Et Dux benigne conceßit, vt Rex Stephan⁹ tota vita ſua ſuū Regnū pacifice poßideret. Ita tamen confirmatū eſt pactū, quod ipſe Rex, & ipſi tunc præſentes cū cæteris regni optimatib⁹ iurarēt, quod Dux Henr. poſt mortē Regis (ſi illum ſuperuiueret) regnum ſine aliqua cōtradictione obtineret.

Flor. hiſto. An. 1153

beare to chaleng their title & intereſt) then ſhould they haue had ſome countenãce of reaſon & probabilitie, bicauſe many arguments & the authoritie of many learned and notable Ciuilians doo concurre for the vncles right, before the Nephewe.

The like fond imagination touching King Richardes nephewe.

But to make the place of the natiuitie of an inheritour to a kingdome, a ſufficiẽt barre againſt the right of his blood, it ſeemeth to haue but a weake and ſlender holde and grounde. And in our caſe it is a moſte vnſure and falſe grounde, ſeeing it is moſte true, that Kinge Richard the firſt (as we haue ſaid) declared the ſaid Arthur (borne in Britanie, and not ſonne of a King, but his brother Geffreys ſonne, Duke of Britanie) to be heire apparent, his vncle Iohn yet liuing. And for ſuch a one is he taken in all our ſtories. And for ſuch a one did all the worlde take him, after the ſaid King Richard his death: neither was King Iohn taken for other, than for an vſurper by excluding him: and afterward for a murtherer, for impriſoning him, and priuily making him away. For the whiche facte the French king ſeaſed vpon all the goodly Countries in Fraunce belonging to the kinge of England, as forfeited to him being the chiefe Lorde. By this outragious deede of king Iohn the kings of Englãd loſt Normandie withal, and their poſsibilitie to the inheritance of all Britanie: for the right and Title to the ſaide Britanie was dewe to the ſaid Arthur and his heires by the right of his mother Conſtãce. And though the ſaid king Iohn, by the practiſe & ambition of Queene Eleonour his mother, and by the ſpecial procurement of Hubert then Archebiſhop of Caunterburie, & of ſome other factious perſones in England, preuented the ſaid Arthur his nephew (as it was eaſy for him to do) hauing gotten into his handes all his brother Richardes treaſures,

Diuerſitie of opinions touching the vncle & nephue vvhether of them ought to be preferred in the royall gouernement.

The poſſeſſions of the Crowne of England that vvere beyond the ſeas, ſeaſed into the Frenche kings hãds for the murther of Arthur

byſides

beſides many other rentes then in England: and the ſaid Arthour being an infant, & remaining beyond the ſea in the cuſtody of the ſaid Conſtance: yet of this fact, being againſt all Iuſtice, aſwell the ſaid Archebiſhop, as alſo many of the other, did after moſt earneſtly repent, conſidering the cruell and the vniuſt putting to death of the ſaid Arthur procured and (after ſome Authours) committed by the ſaid Iohn himſelfe. VVhich moſt foul and ſhameful act the ſaid Iohn neded not to haue committed, if by foraine birth the ſaid Arthur had bene barred to inherit the Croune of England. And much leſſe to haue impriſoned that moſte innocent Ladie Eleonour, ſiſter to the ſayd Arthur, in Briſtow Caſtle wher ſhe miſerably ended her lyfe: if that gay Maxime would haue ſerued, to haue excluded theſe two children, bicauſe they were ſtrangers borne in the partes beyond the ſeas. Yea, it appeareth in other doinges alſo of the ſaid time, and by the ſtorie of the ſayd Iohn, that the birth out of the allegeance of England, by father & mother forain, was not taken for a ſufficient repulſe and reiection to the right and title of the Croune. For the Barons of England, being then at diſſention with the ſaid king Iohn, and renouncing their allegeance to him, receaued Lewis the eldeſt ſõne of Philip the Frẽch king, to be their king, in the right of Blanche his wife, which was a ſtranger borne, all be it the lawful Neece of the ſaid Richard, & daughter to Alphõſe king of Caſtil, begotten on the bodie of Eleonour his wife, one of the daughters of king Henrie the ſecond, and ſiſter to the ſaid king Richard and king Iohn. VVhich ſtorie I alleage only to this purpoſe, thereby to gather the opinion of the time, that foraine birth was then thought no barre in the Title of the Croune. For, ortherwiſe, how could Lewis of

Polid 15. Flor hiſto. An. 1208

Lewis the French Kings ſon claimed the Croune of that Realme in the

title of his wyf. Pro hereditate vxoris meæ, scilicet neptis Regis Ioannisque ad mortem si necessitas exigeret, decertabo. Flor hist. Anno. 1216. Haroldus muneribus & genere fretus, regni diadema invasit. H. Hunte hist. Angli. lib. 6. Cui regnum iure hereditario debebatur Ealredus Rhinal in hist. R. Angliæ ad H. 2. Cui de iure debebatur regnū anglorum Io. Lond. in Chro. Angliæ. Eadē verba sunt in Math.

of France pretend title to the Croune in the right of the said Blanche his wife borne in Spaine?

These examples are sufficient, I suppose, to satisfie and content any man (that is not obstinatly wedded to his own fond fantasies, and froward friuolus imaginations, or otherwise worse depraued) for a good sure and substantial interpretation of the common law. And it were not altogether from the purpose, here to consider and weigh, with what & how greuous plagues that Realme hath bene oft afflicted and scourged, by reason of wrongfull & vsurped titles. I will not reuiue by odious rehearsal the greatenes and number of the same plagues, as well otherwise, as especially by the contention of the noble houses and fam lies of York and Lancaster: seeing it is so fortunately, and almost within mans remembrance extinct and buried.

I will now put the gentle Reader in remébrance of those only, with whose vsurping Titles we are nowe presently in hand. And to begyn with the most auncient: what became, I pray you, of Harold, that by briberie and helpe of his kinred, vsurped the Croune against the forsaid yong Eadgar, who (as I haue said, and as the old monuments of Historiographers do plainly testifie) was the true & lawful Heire? Could he, think you, enioy his ambitious and naughty vsurping one whole entier yere? No surely: ere the first yere of his vsurped reigne turned about, he was spoiled and turned out of both Croune, and his life withal. Yea his vsurpatiō occasioned the cōquest of the whole realme by VVilliā Duke of Normandie, bastard sonne to Robert the sixt Duke of the same. And may you thinke al safe & sound now from like dāger, if you should tread the said wrong steppes with Harolde, forsaking the right and high way of law and iustice?

VVhat

VVhat ſhal I now ſpeake of the cruel ciuil warres betwene king Stephen and king Henry the ſecond, whiche warres roſe, by reaſon that the ſaid Henry was vniuſtly kept from the Croune, dew to his mother Maude, and to him afterwardes? The pitiful reigne of the ſaid Iohn who doth not lamēt with the lamentable loſſe of Normandie, Aquitaine, & the poſsibilitie of the Dukedome of Britanie, and with the loſſe of other goodly poſſeſsions in France, whereof the Croune of England was robbed and ſpoiled by the vnlawfull vſurping of him againſt his nephew Arthur? VVell, let vs leaue theſe greuouſe and lothſome remembrances, & let vs yet ſeeke, if we may finde any later interpretatiō, either of the ſaid ſtatute, or rather of the common law for our purpoſe. And lo, the great goodnes and prouidence of God, who hath (if the foreſaid exāples would not ſerue) prouided a later: but ſo good, ſo ſure, ſo apt & mete interpretatiō for our cauſe, as any reaſonable hart may deſire. The interpretatiō directly toucheth our caſe: I meane by the mariage of the Lady Margaret (eldeſt daughter to King Hēry the vij.) vnto the fourth king Iames of Scotland: and by the opinion of the ſame moſt prudent Prince in beſtowing his ſaid daughter into Scotlād: a matter ſufficient enough, to ouerthrow all thoſe cauilling inuētiōs of the aduerſaries. For what time King Iames the fourth ſent his Ambaſſadour to King Henry the ſeuenth to obteine his good will to eſpouſe the ſaid Lady Margaret, there were of his Counſaile, not ignorant of the lawes and Cuſtomes of the Realme, that did not well like vpon the ſaid Mariage, ſaying, it might ſo fal out, that the right & title of the Croune might be deuolued to the Lady Margaret and her children, and the Realme therby might be ſubiect to Scotland. To the whiche the

VVeſtmon. in flor. hiſt. a. 1066.

VVhat calamities fell to the Realme by the vſurping of King Harolde, King Stephen, and Iohn.

Rex Eduardus miſit &c. vt vel ipſe Eduardus filius eius ſibi ſuccederēt &c. Rich. Ciceſt. vid. VVil. Malmeſt. de reg. Angl. E. 2 c. 4; lib. 3. c. 5.

Polid. 26.

King.H.7. with his Counsaile is a good interpretor of our present cause.

prudent and wise king answered, that in case any suche deuolution should happen, it would be nothing preiudiciall to England. For England, as the chief, and principal, and worthiest parte of the Ile, should drawe Scotland to it, as it did Normandie from the time of the Conquest VVhich answere was wonderfully well liked of all the Counsaile. And so consequently the Mariage toke effect, as appereth by Polydor, the Historiographer of that Realme, and suche a one, as wrote the Actes of that time by the instruction of the king him selfe.

I say then, the worthy wise Salomon foreseeing that such deuolution might happen, was an interpretour with his prudente and sage Counsaile for our cause. For els, they neaded not to reason of any such subiection to Scotlande, if the children of the Ladie Margaret might not lawfully inherite the Croune of England. For, as to her husband Englād could not be subiect, hauing him selfe no right by this mariage to the Title of the Croune of that Realme. VVherevpon I may well inferre, that the said newe Maxime of these men (whereby they would rule, and ouer rule the succesiō of Princes) was not knowen to the said wise king, neither to any of his Counsaile: Or if it were, yet was it taken not to reache to his blood royall borne in Scotlande. And so on euery side the Title of my Soueraigne Lady Queene Marie is assured. So that now by this that we haue said, it may easely be seen, by what light and slender cōsideration the aduersaries haue gone about to strayne the worde *Infantes* or children to the first degree only. Of the like weight is their other consideration imagining and surmising, this statute to be made, bicause the king had so many occasions to be so oft ouer the sea with his spouse the Queene. As though diuers kings before him

him vſed not ofte, to paſſe ouer the ſeas: As though this were a perſonal ſtatute made of aſpecial purpoſe, and not to be taken as a declaration of the common law. VVhiche to ſay, is moſt directely repugnant and contrary to the letter of the ſaid ſtatute: Or as though his children alſo did not very often repaire to outward Countries: as Iohn of Gaunt, Duke of Lancaſtre, that maried Peters the king of Caſtiles eldeſt daughter, by whoſe right he clamed the Croune of Caſtile: as his brother Edmund Erle of Cambridge, that maried the yongeſt daughter: as Lionell Duke of Clarence, that maried at Milaine Violant daughter and heir to Galeatius Duke of Milan: But eſpecialy Prince Edwarde, whiche moſte victoriouſly tok in battaile Iohn the French King, and brought him into England his priſoner, to the great triumphe and reioyſing of the realme, whoſe eldeſt ſonne Edward (that died in ſhort time after,) was borne beyond the ſeas in Gaſcoine, and his other ſonne Richard (that ſucceded his grandfather) was borne at Burdeaux. And as theſe noble King Edwardes ſonnes maried with forainers: ſo did they geue out their daughters in mariage to foraine Princes, as the Duke of Lancaſter, his daughter Philip to the King of Portugall: and his daughter Catherin to the king of Spaine: & his Neece Iohan, daughter to his ſonne Erle of Somerſet, was ioyned in mariage to the king of Scottes: Iohan, daughter to his brother Thomas of Wodſtocke Duke of Glouceſter was Queene of Spaine: and his other daughter, Marie, Ducheſſe of Britãnie.

The mariages of King E. 3. ſonnes.

Now by theſe mennes interpretation, none of the iſſue of all theſe noble women could haue enioyed the Croune of England, when it had fallen to them (though they had bene of the neereſt roial blood) after the death of their Aũceſtours. VVhich

ſurely had bene againſt the auncient preſidentes & examples that we haue declared, and againſt the common Lawe (the whiche muſt not be thought by this Statute any thing taken away, but only declared) and againſt all good reaſon alſo. For as the kings of England would haue thought that Realme greatly iniuried, if it had bene defrauded of Spaine or any of the foreſaid countreies, being deuolued to the ſame by the foreſaid Mariages: ſo the iſſue of the foreſaide noble women might and would haue thought them hardly and iniuriouſly handled, yf any ſuch caſe had happened. Neither ſuche friuolous interpretations and gloſes, as theſe men nowe frame, and make vpon the ſtatute, woulde then haue ſerued, nor nowe will ſerue.

A fond imagination of the Aduerſaries of the ſtatute of 25. E. 3.

But of all other their friuolous and foliſh gheſſing vpō the clauſe of the ſtatute for *Infantes de Roy*, there is one moſt fond of all. For they would make vs beleue, (ſuche is their ſkill,) that this ſtatute touching *Infantes de Roy*, was made for the great doubt: (more in them, than in other perſones) touching their inheritance to their Aunceſtours. For being then a Maxime (ſaie they) in the lawe, that none could inherite to his Aunceſtours being not of father and mother vnder the obedience of the king: ſeing the king him ſelfe could not be vnder obedience: it plainely ſeemed, that the kinges children were of farre worſe condition, than others, & quite excluded. And therefore they ſaie that this ſtatute was not to geue them any other priuilege, but to make them equall with other. And that therefore this ſtatute, touching the Kinges children, ſtandeth rather in the ſuperficial parte of the woorde, than in any effect.

Nowe, among other thinges they ſaye (as we haue ſhewed before) that this word *Infantes de Roy* in

in this ſtatute mentioned, muſt be taken for the children of the firſt degree, whiche they ſeeme to proue by a note taken out of M. Raſtal. But to this we anſwer, that theſe men ſwetely dreamed when they imagined this fonde and fantaſticall expoſitiō: And that they ſhewed them ſelues very infants, in lawe and reaſon. For this was no Maxime, or at leaſt not ſo certaine, before the making of this ſtatute: whiche geueth no new right to the kinges children, nor anſwereth any doubt touching them, and their inheritance: but this it ſaieth, that the law of the Croune of England is, and alwaies hath bene (which lawe, ſaith the king, ſay the Lordes, ſay the Commons, we allowe & affirme for euer) that the kinges children ſhalbe hable to inherite the landes of their Aunceſters, whereſoeuer they be borne.

There was no doubt made of the Kinges children borne beyonde the ſeas.

All the doubt was for other perſones (as appeareth euidētly by the tenour of the ſtatute) whether by the cōmon law they being born out of the allegeance of the king, were heritable to their Aunceſtours. And it appeareth, that the aduerſaries are driuē to the hard wall, when they are faine to catch holde vpō a ſelie poore marginal note of M. Raſtal, of the kinges children, & not of the kings childrens childrē. VVhich yet nothing at al ſcrueth their purpoſe touching this ſtatute. But they, or the Printer, or whoſoeuer he be, as they drawe out of the text many other notes of the matter therin cōpriſed: ſo vpon theſe French wordes, *Les enfants de Roy*, they note in the Margent, *The Kinges Children*: but how farre that worde reacheth, they ſaie neither more, nor leſſe.

Neither it is any thing preiudicial to the ſaid Queenes right or Title, whether the ſaid wordes *Infants*, ought to be taken ſtrictly for the firſt degree, or farther enlarged. For if this ſtatute toucheth

cheth only the ſucceſſion of the Kings children to their Aunceſtours for other inheritance, and not for the Croune, as moſte men take it, and as it may be (as we haue ſaid) very well taken and allowed: then doeth this ſuppoſed Maxime of forain borne, that ſeemeth to be gathered out of this ſtatute, nothing anoy or hinder the Queene of Scotlandes Title to the Croune, as not therto apperteining. On the other ſide, if by the inheritance of the Kings children, the Croune alſo is meant: yet neither may we enforce the rule of forain borne vpō the kings childrē, which are by the expreſſe wordes of the ſtatute excepted, neither enforce the word *Infants* to the firſt degree onely, for ſuch reaſons preſidents, and examples, and other prooufſes largely by vs before ſet forth to the contrarie: ſeing that the right of the Croune fallir g vpon thē, they may well be called the kings Children, or at the leſt the children of the Croune. Ther is alſo one other cauſe why though this ſtatute reach to the Croune, and may, and ought to be expounded of the ſame: the ſaid Queene is out of the reach and compaſſe of the ſaid ſtatute. For the ſaid ſtatute can not be vnderſtanded of any perſones borne in Scotlande or wales, but onely of perſones borne beyond the ſea, out of the allegeance of the king of England: that is to witte, France, Flādres, & ſuch like For England, Scotland and wales be all within one Territorie, and not diuided by any ſea. And all old Recordes of the law, concerning ſeruice to be done in thoſe two Countries, haue theſe words *Infra quatuor Maria* within the fower ſeas, which muſt nedes be vnderſtād, in Scotland & wales, aſwel as in England, bicauſe they be all within one continent, compaſſed with fower ſeas. And likewiſe be many auncient ſtatutes of that Realme written in the

This ſtatute toucheth not the Q. of Scotlād, as one not borne beyond the ſeas.

Norman

Normane French, whiche haue theſe wordes, *deins les quatre mers*, that is, within the fower ſeas. Nowe concerninge the ſtatute, the title of the ſame is, of thoſe that are born beyond the ſea: the doubt moued in the corps of the ſaid ſtatute, is alſo of childrē borne beyond the ſea out of the allegeance, with diuers other branches of the ſtatute tending that way. VVherby it ſeemeth, that no part of the ſtatute toucheth theſe that are born in VVales or Scotlād. And albeit at this time, and before in the reigne of Edward the firſt, VVales was fully reduced, annexed & vnited to the proper Dominion of England: yet was it before ſubiected to the Croune and King of England, as to the Lorde and Seigniour. VVherefore if this ſtatute had bene made before the time of the ſaid Edward the firſt: it ſemeth, that it could not haue bene ſtretched to VVales, no more then it can now to Scotland. I doe not therefore a litle meruaile, that euer theſe men, for pure ſhame, could finde in their hartes ſo childiſhly to wrangle vpon this word *Infants*, and ſo openly to detort, depraue, and corrupt the common law, and the Actes of Parlament.

Vide ſtatuta VValliæ in magna Charta.

VVales vvas vnder the allegeance of England before it vvas vnited to the Croune.

And thus may you ſee, gentle Reader, that nothing can be gathered, either out of the ſaide ſuppoſed generall rule or Maxime, or of any other rule or Principle of the lawe, that by any good and reaſonable conſtruction can ſeeme to impugne the title of my ſaid ſoueraign Lady Mary now Queene of Scotland, of, and to the Croune of the Realme of England, as is aforeſaid.

VVe are therefore now laſt of all to conſider, whether there be any ſtatute or acte of Parlament, that doth ſeeme, either to take away, or preiudice the title of the ſaid Queene. And bycauſe touching the foreſaid mentioned ſtatute of the 25. yere of

king

King Edward the thirde, being onely a declaration of the common lawe, we haue already ſufficiently anſwered: we will paſſe it ouer, and conſider vpon the ſtatute of 28 and 35. of King Henrye the eight, being the onely ſhoteanker of all the Aduerſaries, whether there be any matter therein conteined or depending vpon the ſame, that can by any meanes deſtroye or hurt the title of the ſaid Queene of Scotland to the ſucceſsion of the Croune of England.

The obiections of the aduerſaries touching the pretenſed vvill of King Henry the eight are clearlie auoided.

The ſtatutes of King H. 8. touching the ſucceſsion of the Croune.

IT doth appeare by the ſaid ſtatute of 28. of king Henry the eight, that there was anthoritie geuen him by the ſame, to declare, limite, appoint, & alsigne the ſucceſsion of the Croune by his Letters Patentes, or by his laſt VVill ſigned with his owne hande. It appeareth alſo by the foreſaid ſtatute made. 35 of the ſaid King, that it was by the ſame enacted, that the Croune of that Realme of England ſhould go and be to the ſaid King, and to the heires of his body lawfully begotten: that is to ſay, vnto his Highnes firſt ſonne of his body betweene him and the Ladie Iane then his wife, begotten: & for default of ſuch iſſue, then vnto the Lady Marie his daughter, and to the heires of her body lawfully begotten: & for defaut of ſuch iſſue, then vnto the Ladie Elizabeth his daughter, and to the heires of her body laufully begotten: & for defaut of ſuch iſſue, vnto ſuche perſon or perſones in remainder or reuerſion, as ſhould pleaſe the ſaid king Henry the eight, and according to ſuch eſtate, and after ſuch manner, order and condition, as ſhould be expreſſed, declared, named and limited in his Letters Patentes, or by his laſt VVill in writing, ſigned with his owne hande.

By

By vertue of which ſaid Acte of Parlament the Aduerſaries doo alleage, that the ſaid late King Henry the eight afterward by his laſt VVill in writing ſigned with his owne hand, did ordeine and appoint, that if it happen, the ſaid Prince Edward, Ladie Marie, and Ladie Elizabethe to dye without iſſue of their bodies lawfully begotten: then the Croune of that Realme of England ſhould goe and remaine vnto the heires of the bodie of the Ladie Francis, his Neece, and the eldeſt daughter of the French Queene: And for the defaulte of ſuche iſſue, to the heires of the body of the Ladie Eleonour, his Neece, ſecond daughter to the French Queene, lawfully begotten: And if it happened, the ſayd Ladie Eleonour to dye without iſſue of her body lawfully begotten, to remaine and come to the nexte rightfull heires. VVherevpon the aduerſaries do inferre, that the ſucceſsion of the Croune ought to go to the chyldren of the ſaid Ladie Francis, and to their heyres, according to the ſayd ſuppoſed will of the ſaid king Henry the eight: and not vnto Ladie Marie Queene of Scotlande that nowe is.

An anſvver to the fore ſaid ſtatute.

To this it is, on the behalf of my ſaid ſoueraign Lady, Marie, Queene of Scotland, among other things, anſwered, that King Henry the eight neuer ſigned the pretenſed will with his own hand: and that therfore the ſaid will can not be any whit preiudicial to the ſaid Queene. Againſt which anſwere for the defence and vpholding of the ſaide will, it is replied by the Aduerſaries: firſt, that there were diuers copies of his wil found, ſigned with his own hande, or at the leaſt wiſe enterlined, and ſome for the moſt part written with his owne hande: out of the whiche it is likely, that the original will, commonly called King Henry the eightes will, was taken & fayer drawen out. Then, that there be great

The effect of the aduerſaries arguments for the excluſion of the Queene of Scotlād by a pretēſed vvil of King H. 8.

and

and vehement preſumptions, that, for the fatherly loue that he bare to the common wealth, and for the auoiding of the vncerteintie of the ſucceſsion, he well liked vpon and accepted the authoritie geuen him by Parlament, and ſigned with his owne hande the ſaid originall will, whiche had the ſaid limitation and aſsignation of the Croune.

And theſe preſumptiõs are the more enforced, for that he had no cauſe, why he ſhould beare any affectiõ either to the ſaid Queene of Scotlãd, or to the Lady Leneux: and hauiug withal no cauſe to be greeued or offended with his ſiſters, the Frenche Queenes children: but to put the matter quite out of all ambiguitie and doubte, it appeareth (they ſay) that there were eleuen witneſſes purpoſely called by the King, who were preſent at the ſigning of the ſaid VVill, and ſubſcribed their names to the ſame: Yea that the chief Lordes of the Counſaile were made and appointed executours of the ſaid VVill, and that they and other had greate Legacies geuen them in the ſaid VVill, which were paid, and other thinges, compriſed in the VVill, accompliſhed accordingly.

There paſſed alſo purchaſes, and Letters Patentes betwene King Edward, and the executors of the ſaid VVill, and others, for the execution and performãce of the ſame. Finally the ſaid Teſtament was recorded in the Chancerie. VVherefore they affirme, that there ought no manner of doubt moue any man to the contrarie, and that either we muſt graunt this VVill to be ſigned with his hand, or that he made no VVill at all: bothe muſt be graunted, or both denied. If any will deny it, in caſe he be one of the witneſſes, he ſhall impugne his own teſtimonie: if he be one of the executours, he ſhall ouerthrow the foundation of all his doinges, in procuring the

ſaid

ſaid will to be inrolled,& ſet forth vnder the great Seale. And ſo by their dublenes they ſhall make them ſelues no mete witneſſes.

Nowe a man can not lightly imagine, how any other,byſids theſe two kind of witneſſes(for ſome of them, and of the executors, were ſuche,as were continually wayting vpon the kinges perſon) may impugne this will,and proue,that the king did not ſigne the ſame.But if any ſuch impugne the will, it would be conſidered,how many they are,and what they are:& it wilbe very harde to proue *negatiuam facti*.But it is euidẽte,ſay they,that there was neuer any ſuch lawful proofe againſt the ſaid will produced.For if it had ben,itwould haue bene publiſhed in the Starrechamber, preached at Poules Croſſe, declared by Acte of Parlamẽt, proclamed in euerie quarter of the Realm.Yea,admitting,ſay they,that it were proued,that the ſaid pretenſed will lacked the kinges hande:yet neuertheleſſe(ſay they) the very copies we haue ſpoken of, being written & ſigned, or at leaſt interlined with his owne hande, may be ſaide a ſufficient ſigning with his owne hande.

For ſeing the ſcope and final purpoſe of the ſtatute was,to haue the ſucceſsion prouided for,and aſſerteined,whiche is ſufficiently done in the ſaid will: and ſeing his owne hande was required but onely for eſchewing euil & ſiniſter dealing, whereof there is no ſuſpicion in this will to be gathered:what matter in the worlde, or what difference is there,when the king fulfilled and accompliſhed this gratiouſe Acte,that was loked for at his hãdes, whether he ſigned the wil with is owne hãde,or no?

If it be obiected,that the king was obliged and bound to a certaine preciſe order and forme,which he could in no wiſe ſhift,but that the Acte without it muſte periſh,and be of no valewe:then,ſay they,

wee

wee vndoe whole Parlamentes, aſwel in Queene Maries time, as in kings Henry the eightes time. In Queene Maries time, bicauſe ſhe omitted the Style appointed by Parlamente, *Anno Henrici octaui tricesimo quinto*: In kinge Henries tyme, by reaſon there was a ſtatute, that the kinges royal aſſent may be geuen to an Acte of Parlamente by his Letters Patentes ſigned with his hãde, though he be not there perſonally. And yet did the ſaied king ſupplie full ofte his conſente by the ſtampe only. This yet notwithſtanding, the ſaid Parlamentes for the omiſsion of theſe formes ſo exactely and preciſely appointed, are not deſtroyed and diſannulled.

An. H. 8. 35.

An. H. 8. 33. & 21.

An answer by the vvay of reioinder to the ſame.

After this ſorte in effecte haue the Aduerſaries replied for the defence of the ſaid pretenſed will. To this we will make our reioynder, & ſaye: Firſte, that our principal matter is not to ioyne an iſſewe, whether the ſaide kinge made and ordeyned any ſufficient will, or no. VVe leaue that to an other time. But, whether he made any Teſtamẽt, in ſuche order and forme, as the ſtatute requireth. VVherefore if it be defectiue in the ſaid forme, as wee affirme it to be, were it otherwiſe neuer ſo good and perfect, though it were exemplified by the great Seale, and recorded in Chancerie, and taken commonly for his VVil, and ſo accompliſhed: it is nothing to the principal queſtion. It reſteth then for vs to cõſider the weight of the aduerſaries preſumptions whereby they would inforce a probabilitie that the Teſtamẽt had the foreſaid requiſite forme. Yet firſt, it is to be conſidered, what preſumptions, and of what force & number, do occurre to auoide and fruſtrate the Aduerſaries preſumptions, and all other like.

Diuers preſumptions

VVe ſay then, there occurre many likelyhoddes many preſumptions, many great and weightie reaſons,

sons, to make vs to thinke, that as the king neuer had good and iuste cause, to minde & enterprise suche an Acte, as is pretended: so likewise he did enterprise no such Acte in deede. I deny not, but that ther was such authoritie geuen him: neither I deny, but that he might also in some honorable sort haue practised the same, to the honour and wealthe of the Realme, and to the good contentation of the same Realme. But that he had either cause, or did exercise the said authoritie in suche strange & dishonorable sort, as is pretended: I plainely denie. For being at the time of this pretēsed will furnished and adorned with issue, the late king Edward, and the Ladies Marie, and Elizabeth, their state and succession being also lately by Acte of Parlament established: what neede or likelyhod was there, for the king then to practise such newe deuises, as neuer did, I suppose, any King in that Realme before, and fewe in any other byside? And where they were practised, commonly had infortunate and lamentable succesſe.

& reasons against this supposed will.

VVhat likelyhode was there, for him to practise such deuises, especially in his later daies (when wisdome, the loue of God, and his Realm should haue bene moste ripe in him) that were likely to sturre vppe a greater fier of greeuouse contention and wofull destruction in England, then euer did the deadly faction of the read Rose & the white, lately by the incorporation and vnion of the house of Yorke and Lancastre, in the person of his father through the mariage of Ladye Elizabeth, eldest daughter of King Edwarde the fourth, moste happily extinguished and buried? And though it might be thought or said, that there vould be no such cause of feare, by reason the matter passed by Parlament: yet could not he be ignorāt, that neither

Parla-

Parlaméts made for Héry the fourth, or cótinuance of twoo Deſcentes (which toke no place in geuing any Title touching the Croune) in King Henry the ſixt: nor Parlamentes made for King Richard the third, nor Parlaments of attainder made againſt his father, could either preiudice his fathers right, or releaue other againſt ſuch, as pretended iuſt right and title.

And as he could not be ignorant therof: ſo it is not to be thought, that he would abuſe the great confidence put vpon him by the Parlament, and diſherite without any apparent cauſe the next roial blood, and thinke all thinges ſure by the colour of Parlamét: The litle force whereof againſt the right inheritour, he had (to his fathers and his owne ſo ample benefit) ſo lately and ſo largely ſene and felt. And yet if he minded at any time, to preiudice the ſaid Lady Marie Queene of Scotland, of all times he would not haue done it then, when all his care was, by all poſsible meanes to contriue and compaſſe a mariage, betwene his ſonne Edward, and the ſaid Lady and Queene. Surely he was to wiſe of him ſelfe, and was furniſhed with to wiſe Counſailours, to take ſuch an homely way, to procure and purchaſe the ſaid mariage by.

And leaſt of all can we ſay he attempted that diſhonorable diſheriſon for any ſpeciall inclinatió or fauour he bare to the French Queene, his ſiſters children. For there haue bene of his neere & priuie Counſaile, that haue reported, that the King neuer had any great liking of the mariage of his ſiſter with the Duke of Suffolke, who maried her firſt priuily in France, and afterward openly in England: And, as it is ſaid, had his pardon for the ſaid priuy mariage in writing. Howeſoeuer this matter goeth, certeine it is, that if this pretenſed will be true, he

transferred

transferred and transposed the reuersion of the Croune, not only from the Queene of Scotland, from the Ladie Leneux and their issue, but euen from the Lady Francis, & the Ladie Eleonour also, daughters to the Frēche Queene, whiche is a thing in a manner incredible, and therefore nothing likely.

I must now, gentle Reader, put thee in remembrance of two other most pregnant and notable cōiectures and presumptions. For among all other inconueniences, and absurdities, that do, and may accompanie this rash & vnaduised acte by this pretensed wil inconsiderately mainteined: it is principally to be noted, that this Acte geueth apparent & iust occasion of perpetual disherison of the Style & Title of France incorporated and vnited to the Croune of England. For whereby do or haue the Frenchemen hitherto excluded the kinges of that Realme, claming the Croune of France by the title of Edward the third, fallen vpon him by the right of his mother, other than by a politike and ciuil law of their owne, that barreth the female frō the right of the Croune? And what doeth this pretensed Act of king Henrie, but iustifie and strengthen their quarel, and ouerthrow the foundatiō & bulworke, wherby the kings of England maintene their foresaid title and clame? For if they may by their municipial lawe of England exclude the said Queene of Scotland, being called to the Croune by the Title of generall heritage: then is the municipial law of France likewise good and effectual: & consequētly the kings of England haue made all this while an vniust & wrongfull clame to the Croune of Frāce.

The supposed will is preiudicial to the Croune of England for the clame of the Croune of France.

But now to go somewhat further in the matter, or rather to come neerer home, and to touche the quicke, we say: as there was some apparent & good cause,

cauſe, why the king ſhould the twentie and eight yeare of his reigne thinke vpon ſome limitation & appointement of the Croune (king Edward as yet vnborne:) ſo after he was borne, and that the Title and intereſt of the reuerſion of the Croune after him was the thirtie and fifte yeare by Parlament confirmed to the late Queene Marie and her ſiſter Queene Elizabeth: it is not to be thought, that he wou'd afterward ieoparde ſo great a matter by a Teſtament and will, whiche may eaſely be altered and counterfeyted: and leaſt of all make ſuche aſsignation of the Croune, as is nowe pretended.

For being a Prince of ſuch wiſdome and experience, he could not be ignorant, that this was the next and redieſt way, to put the ſtate at leaſt of both his daughters to great peril and vtter diſheriſon. For the Kinges example and boldnes in interrupting and cutting away ſo many branches of the neereſt ſide and line, might ſoone breede in aſpiring and ambitious hartes a bolde and wicked attempte, the way being ſo farre brought in and prepared to their handes by the Kinge him ſelfe: and their natures ſo readie and prone to follow euil preſidents, and to clime high by ſome colourable meanes or other, to ſpoile and depriue the ſaid daughters of their right of the Croune, that ſhould deſcend and fal vpon them, and to conuey the ſame to the heires of the ſaid Ladie Francis. And did not, I pray you, this drift and deuiſe fall out euen ſo, tending to the vtter excluſion of the late Queene Marie, and her Siſter Queene Elizabeth: if God had not repreſſed and ouerthrowen the ſame?

This ſuppoſed vvill geneth occaſion of ambitious aſpiring.

Theſe reaſones then & preſumptions may ſeme wel able and ſufficient, to beare doune, to breake doune and ouerthrow the weake and ſlender preſumptions of the Aduerſaries, grounded vpon vncertaine

certaine and mere surmises, ghe sses and cõiecture: as among other that the king was offended with the Queene of Scotland, and with the Ladie Leneux. VVhich is not true. And as for the Ladie Leneux, it hath no mãner of probabilitie: as it hath not in dede in the said Queene. And if it had: yet it is as probable, and much more probable, that the king would haue especially at that time (for suche cause, as we haue declared) suppressed the same displeasure. Graunting now, that there were some such displeasure: was it honorable, either for the King, or the Realme: or was it, thinke ye, euer thought by the Parlament, that the king should disherite them for euery light displeasure? And if (as the Aduersaries confesse) the king had no cause to be offẽded with the Frenche Queenes children: why did he disherite the Ladie Francis, and the Ladie Eleonor also?

Their other presumption, which they ground, vpon the auoyding of the vncertenty of the succession, by reason of his will, is of smal force and rather turneth against them. For it is so farre of, that by this meanes the succession is made more certaine and sure: as contrarywise it is subiecte to more vncerteintie, and to lesse suertie, than before. For whereas before, the right and clame to the Croune hong vpon an ordinarie and certaine course of the common lawe, vpon the certaine and assured right of the royall and vnsported blood, yea vpon the very lawe of nature, whereby many inconueniences, manie troubles, daungers and seditions are in al Countries politikely auoyded: so now depending vpon the statute onely, it is as easie by an other statute to be infringed and ouerthrowen: and depending vpon a Testament, it is subiect to many corruptions, sinister dealinges, cauillations, yea and iust ouerthrowes, by the dishabilitie of the Testatours witnesses,

Succession to the Croune more vncerten by the supposed will, than before.

witnesses, or the Legatorie himselfe, or for lacke of dewe order to be obserued, or by the death of the witnesses vnexamined, & for many other like cõsiderations. The Monuments of all antiquitie, the memorie of al ages, & of our owne age, & dayly experience can tel and shewe vs many lamentable examples of many a good & lawfull Testamẽt, by vndue and craftie meanes, by false & suborned witnesses, by the couetous bearing and maintenance of such as be in authoritie, quite vndone and ouerthrowne. VVherefore *Valerius Maximus* crieth out against *M. Crassus*, and *Q Hortensius*: *Lumina Curiæ, ornamenta Fori, quod cælus vindicare debebant, inhonesti lucri captura inuitati, authoritatibus suis texerunt.* This presũption then of the Aduersaries rather maketh for vs, and ministreth to vs good occasion, to thinke, that the king would not hasard the weight and importance of such a matter, to reste vpon the validitie or inualiditie of a bare Testament only.

Much forgerie and counterfeyting of Testamẽts.

Valerius Maximus dict. et fa. lib. 9. 6. 4.

By this that we haue said we may probably gather, that the King had no cause to aduenture so great an interprise by a bare will and Testament. Ye shall nowe heare also, why we thinke he did neuer attempt or enterprise any such thing. It is well knowen, the King was not wonte lightly to ouerslippe the occasion of any great commoditie presently offered. And yet this notwithstanding, hauing geuen to him by Acte of Parlament the ordering and disposition of all Chantries and Colleges, he did neuer or very litle practise and execute this authoritie. And shall we thinke, vnlesse full and sufficient proofe necessarily enforce creditte, that the King, to his no present commoditie and aduantage, but yet to his greate dishonour, and to the greate obloquie of his subiectes and other Countries, to the notable dishorison of so may the next royall blood,

blood, did vse any such authoritie, as is surmised?

Againe, if he had made any suche asignation: who doubteth, but that as he cõditioned in the said pretensed will with his noble daughters, to marie with his Counsels aduise, either els not to enioy the benefitte of the succession: he would haue tyed the said Ladie Francis and Ladie Eleonours heirs to the same condition.

In this supposed will is no condition for the mariage of the heires of the L. Franci, as is for the Kinges owne daughters.

Further more, I am driuen to thinke, that there passed no such limitation by the said king Henries will, by reason there is not, nor was these many yeares any original copy therof, nor any authentical Record in the Chãcerie, or els where to be shewed in all England, as the Aduersaries them selues confesse: And in the copies that be spread abrode, the witnesses pretended to be presẽt at the signing of the said will, be suche, for the meanesse of their state on the one side, & for the greatnesse & weight of the cause on the other side, as seme not sufficient in suche a case.

The importãce of the cause, being no lesse than the disherison of so many heires of the Croune, (as well from the one sister, as from the other) required and craued some one or other of the priuie Counsaile, or some one honorable and notable persone to haue bene present at the said signing: or that some notificatiõ should haue bene made afterward to suche persones by the King him selfe, or at least before some Notarie and authẽtical person for the better strengthening of the said will.

Here is now further to be cõsidered, that (seing the interest to the Croune is become a plaine testamentarie matter and clame, and dependeth vpon a last will) when, and before what Ordinarie this will was exhibited, allowed and prooued? VVhere, and of whome toke the Executours their othe for

No order taken for the probate of the supposed will.

the true performáce of the will? VVho committed to them the administration of the kings goods and chattles? VVhen, and to whome haue they brought in the Inuentory of the same? VVho examined the witnesses vpon their othe, for the tenour & trueth of the said Testament? Namely vpon the signement of the kinges hand, wherein onely consisteth the weight of no lesse, then of the Croune it selfe: where, or in what spiritual or temporal Courte may one find their depositions? But it were a very hard thing to finde that, that (as farre as men can learne) neuer was.

And yet if the matter were so plaine, so good & so sound, as these men beare vs in hand: if the original Testement had ben such, as might haue bidden the touchstone, the triall, the light and the sight of the worlde: why did not they, that enioyed most commoditie therby (and, for the sway and authoritie they bare, might and ought best to haue done it) take conuenient and sure order, that the originall might hane bene duely and safely preserued: or at leaſt, the ordinary Probate (which is in euery poore mans Testament diligently obserued) might haue bene procured or sene, by one or other authentical Instrument therof reserued? The Aduersaries them selues see wel enough, yea and are faine to confesse these defectes. But to helpe this mischief, they wold faine haue the Enrolment in the Chancerie to be taken for a sufficient Probate, bycause (as they say) both the spiritual and temporall authoritie did cõcurre in the kings person.

The enrolement in the chancerie is not a probate.

Yet do they know wel inough, that this plaister will not cure the sore, and that this is but a poore helpe and a shift. For neither the Letters Patents, nor the Enrolment may in any wise be counted a sufficient Probate. The Chancerie is not the Court

or

or ordinarie place for the probate of willes, nor the Rolles for recording the ſame. Both muſt be done in the Spiritual Courts: where the executours alſo muſt be impleaded, and geue their accompt: where the weakenes or ſtrengh of the will muſt be tried, the witneſſes examined, finally the probate, & al other thinges thereto requiſite, diſpatched. Or if it may be done by any other perſone: yet muſt his authoritie be ſhewed. The probate and all thinges muſt be done accordinglye. And amonge other things the vſual clauſe of *Saluo iure cuiuſcũque*, muſt not be omitted. VVhiche things, I am aſſured, the recording in the Chancerie cannot import.

But this caution and prouiſo of *Saluo iure cuiuſcunque* (whiche is moſt conformable to all law and reaſon) did litle ſerue ſome mens turne. And therefore there was one other caution and prouiſo: that though the pooreſt mans Teſtament in all England hath this prouiſo at the probate of the ſame: yet for this Teſtament, the weightieſt, I trow, that euer was made in England, no ſuche probate or clauſe can be found, either in the one, or the other Court. Yet we nedes muſt, al this notwithſtanding, be borne in hande, and borne doune, that there was a Teſtamẽt & will, formably framed, according to the purpoſe and effect of the ſtatute: yet muſt the right of the imperiall Croune of England be conueied and caried away with the colour & ſhadow only of a will. I ſay, the ſhadow only, by reaſon of an other coniecture and preſumption, whiche I ſhall tel you of. VVhiche is ſo liuely and effectual, that I verily ſuppoſe, it will be very harde for any mã, by any good and probable reaſõ, to anſwere & auoide the ſame: And is ſo important and vehement, that this only might ſeeme, vtterly to deſtroie al the Aduerſaries coniectural prooffes, concerning the maintenance

of this ſuppoſed will.

VVe ſay therfore and affirme, that in caſe there had bene any good and ſure helpe and handfaſt, to take and hold the Croune for the heirs of Lady Frācis by the ſaid will: that the faction, that vniuſtly intruded the Lady Iane, eldeſt daughter to the ſaid Lady Frācis to the poſſeſsiō of the Croune, would neuer haue omitted to take, receaue and imbrace the occaſion and beneſit therof to them preſently offered. They neither would, nor could haue bene driuen, to ſo harde & bare a ſhifte, as to colour their vſurpation againſt the Late Queene Marie only, & her Siſter Queene Elizabeth, with the Letters Patents of King Edward the ſixt, and with the cōſent of ſuche as they had procured. VVhich king by law had no autoritie (as it is notorious) to make any limitation and aſsignation of the Croune otherwiſe than the common lawe doth diſpoſe it. It was nede for them, I ſay, as they procured ſuche Letters Patentes, ſo to haue ſet forth alſo the ſaid pretenſed will, if there had bene then any ſuch will in deede ſufficiently and dewly to be proued, as is now ſurmiſed there was. The Recorde of the ſaid ſurmiſed will was in the Chancerie, whiche they might haue vſed with the pretenſed witneſſes, and with the origina' pretēſed will, & with al other things therto belonging, to their beſt aduantage. It can not be thought, that either they were ignorant of it, or that they would forbeare and forgoe ſo greate a commoditie offered, and ſuche a plauſible pretext of their pretenſed vſurpation, bearing the countenance and authoritie of the kings will, and of the whole Parlament, for the excluſion of the Queene of Scotland and others of the nerer royal blood. Neither can it be ſaid, that the Letters Patētes were made, as it were for a ſtronger corroboration and confirmatiou

A great preſumption againſt the ſuppoſed vvill, for that the late pretenſed Q. Iane did not vſe the beneſit of the ſame againſt the Q. of Scotland and others.

confirmatiõ only of the ſaid pretenſed will: for that there is not ſo muche as one worde in their whole pretenſed letters patents for the ſuppoſed right of the ſaid Lady Ian, by the force of that ſurmiſed will: whereby it might any thing appeare, that king Henry the eight made any manner of limitation or aſsignatiõ of the Croune to the heires of the Lady Francis. VVherevpon it may well be gathered, that either they knew of no ſuche limitation to the children of the Lady Francis by the ſaid ſuppoſed will: or toke it to be ſuche, as could geue no good and lawfull force and ſtrength, to ayde and mainteine their vſurpation for the manifeſt forgerye of the ſame. And therfore they purpoſely (for, ignorance can not be pretended in them) kepte backe & ſuppreſſed in the ſaid Letters Patentes this pretenſed limitation ſurmiſed to be made for the children of the ſaid Lady Francis. VVhiche neuetheleſſe the Aduerſaries do nowe with ſo great and vehement aſſeueration blowe into al mens eares: yet is it vtterly reiected and ouerthrowen, if it were by nothing els than by theſe letters patẽts for the pretenſed title of the ſaid Lady Iane. So that we nede to trauaile no further for any more proofe againſt the ſaid aſſeueration.

See the proclamation made the x. of Iulie the firſt yeare of her pretenſed regne.

But yet in caſe any man do loke for any other and more perſuaſion and proofe, whiche, as I ſayd, neede not: ô the great prouidence of God, ô his great fauour and goodnes to that Realme, of the which it hath bene ſaid: *Regnum Angliæ, eſt regnum, Dei*, and that God hath euer had a ſpeciall care of it: ô his great goodnes, I ſay, to this Realme euen in this caſe alſo. For he hath opened and brought to light the verie truth of the matter, whiche is burſt out, though neuer ſo craftily ſupreſſed and kept vnder. VVe ſay then, that the King neuer ſigned the

Polid. li. 8

pretenſed will with his owne hande: neither do we ſay it by bare hearſay, or gather it by our former coniectures and preſumptions onely, though very effectuall and probable: but by good and hable witneſſes, that auouche and iuſtifie, of their owne certaine knowledge, that the Stampe onely was put to the ſaid wil, & that euen when the King him ſelfe was now dead, or dyeing and paſt all remembrance.

The forgerie of this ſuppoſed will diſcloſed before the Parlament by the L. Paget.

The Lorde Paget being one of the priuie Counſaile with Queene Marie, of his owne free will and godly motion, for the honour of the Realme, for reuerence of truth and iuſtice (thoughe in the facte him ſelfe perhappes culpable, but thereto by great authoritie forced,) did firſt of all men diſcloſe the matter, firſt to the ſaid Counſaile, & then before the whole Parlament. Sir Edward Mountegue alſo the chief Iuſtice, that was priuie and preſent at the ſaide doinges, did confeſſe the ſame, as well before the Counſaile, as before the Parlament. Yea, VVilliam Clarke, (aſcribed among other pretenſed witneſſes) confeſſed the premiſſes to be true. And that him ſelfe put the ſtampe to the ſaid will, and afterward purchaſed his Charter of pardon for the ſaid facte.

Vpon the which depoſitions well and aduiſedly weighed and pondered, Queene Marie with the aduiſe of her Counſaile, to the honour of God, and that Realme, to the maintenance of trueth and iuſtice, & the rightful ſucceſsiō of the Croune, for the eſchewing of many foule miſchieffes, that might vpon that forgerie enſue, cauſed the Recorde of the ſaid forged will remaining in the Chancerie, to be cancelled, defaced and aboliſhed, as not worthy to remaine among the true and ſincere Recordes of that noble Realme. VVhiche her noble facte deſerueth immortalitie of eternall prayſe and fame,

A vvorthy deede for a Prince to cancell falſe Recordes.

no

no leſſe, than the fact of the Romaines that abo-
liſhed the name and memorie of the Tarquinians,
for the foule acte of *Sextus Tarquinius* in defiling
Lucretia: No leſſe, than the fact of the Epheſians,
who made a lawe, that the name of the wicked He-
roſtratus ſhould neuer be recorded in the bookes
of any their Hiſtoriographers: No leſſe thã the fact
of the familie of the Manlians at Rome, taking a ſo-
lemne othe, that none among them ſhould euer be
called *Capitolinus*, bycauſe *M. Manlius Capitolinus* had
ſought to oppreſſe his Countrey with tyrannie.
And to come nerer home, no leſſe than in England
their forefathers deſerued, whiche quite raſed out
of the yeares and times the memorie and name of
the wicked Apoſtates Oſricus and Eanfridus, num-
bring their tyme vnder the reigne of the good
King Oſwald.

Cicero. 3. offic.

Sueton. de viris illuſtrib.

Bed. lib. 3. hiſtor. Eccleſiaſt. c. 1.

The aduerſaries therfore are muche to be bla-
med, going about to ſtaine and blotte the memorie
of the ſaid Queene and Magiſtrats, as though they
had done this thing diſorderly, and as though there
had bene ſome ſpecial cõmoditie therein to them:
which is apparently falſe. For as the ſaid abolition
was nothing beneficiall to other Magiſtrats: ſo if it
hadde bene a true and an vndoubted will, the ſaid
Queene vould neuer haue cauſed it to be cancel-
led, as well for her honour and conſcience ſake, as
for priuate reſpect, ſeeing her owne royall eſtate
was by the ſame ſet foorth & cõfirmed. Yet would
they faine blemiſh and diſgrace the teſtimonie of
the ſaid Lorde Paget, and S. Edward Mountague.
They ſet againſt them eleuen witneſſes, thinking to
matche and ouermatche them with the number.

But here it muſte be remembred, that though
they be eleuen, yet they are tooſlender and weake
for the weight and importance of the matter. It is

againe to be remembred, that often times the lawe doth as well weigh the credit, as number the persons of the witnesses. *Aliàs* (saith Calistratus) *numerus, aliàs dignitas & authoritas confirmat rei, de qua agitur, fidem.* According to this, saith also Archadius: *Confirmabit Iudex motum animi sui ex argumentis & testimoniis, quæ rei aptiora, & vero proximiora esse compererit. Non enim ad multitudinem respicere oportet, sed ad sinceram testimoniorum fidem & testimonia, quibus potius lux veritatis assistit.*

L. testiū. ff. de testibus.
L. Ob carmen ibid.

It hath not lightly bene heard or sene, that men of suche state & vocation in so great and weightie a cause would incurre first the displeasure of God, then of their Prince, and of some other of the best sorte, if their depositions were vntrue: and would purchase them selues dishonour, slaūder & infamie: yea disclose their owne shame to their owne no manner of way hoped cōmoditie, nor to the commoditie of other their frendes, or discommoditie and hurte of their enemies. This sufficently doth purge them from all sinister suspicion for this their deposition and testimonie: their deposition proceding, as it plainly seemeth, from no affectiō, corruptiō or partialitie, but from a zeale to the trueth, and to the honour of the Realme. And though perchance, if they had bene thereof iudicialy conuicted & condemned, and had not by dew penance themselues reformed: some exceptions might haue bene layed against them by any partie iudiciallye conuented for his better aduantage: yet as the case standeth nowe, there is no cause in the worlde, to discredit their testimonie: yea and by the waye of accusatiō also, suche persons, as be otherwise disabled, are in treason and other publike matters, touching the state, enabled both to accuse, & testifie.

No iust cause to repel the testimonie of the L. Paget and others.

L. Famosi ff. ad l. Tul. maiest. l. muliere. ff. de accusat.

As for the eleuen witnesses, the best of them

Sir

Sir Iohn Gates, we know, by what meanes he is departed out of this life. One other, the said VVilliam Clarke is so gone from them, that he geueth good cause, to misdeeme and mistrust the whole matter. Howe many of the residue liue, I know not. To whom perchaunce some thing might be said, if we once knowe, what them selues say. VVhich seeing it doth not by authenticall recorde appeare, bare names of dumme witnesses can in no wise hinder & deface so solemne a testimonie of the foresaid L. Paget and Sir Edwarde Mountague. Neither is the difficultie so great, as the Aduersaries pretend, in prouing *Negatiuam facti*. VVhich as we graunt it to be true, when it stãdeth within the limites of a mere negatiue: so being restraigned and referred to time and place, may be as well proued, as the affirmatiue. It appeareth nowe then by the premisses: that the Aduersaries argumentes, whereby they would weaken and discredit the testimonie, either of the witnesses, or of the executours, that haue or may come in against the said pretensed will, are but of smal force and strength. And especially their slẽder exaggeration by a superficial Rhetorike enforced. VVhereby they would abuse the ignorance of the people, and make them beleue, that there was no good and substãtial proofe brought foorth against the forgerie of this supposed will, bycause the vntrueth of the same was not preached at Poules Crosse, and declared in al open places and assembles through the Realm: when they knowe wel inough, that there was no necessitie so to doe. And that it was notoriously knowen, by reason it was disclosed by the saide Lorde Paget, as wel to the Counsaile, as to the higher and lower house of the Parliament. And the foresaid forged Recorde in the Chancerie therevpon worthely defaced, and abolished. The

How a negatiue may be proued.

Gloss. & Doct. c. bona de elect.

diſcloſing whereof, ſeing it came foorth by ſuch, & in ſuch ſort & order, as we haue ſpecified: as it doth nothing deface or blemiſh the teſtimonie geuen againſt the ſaid ſuppoſed will, whether it were of any of the witneſſes, or executours: ſo is ther no nede at all, why any other witneſſes, byſides thoſe that haue already impugned the ſame, ſhould be now farther producted.

Hovv and vvhen the later teſtimonie is to be accepted before the former.

I denie not, but that if any ſuche witneſſe or executour had vpon his othe before a lawfull Iudge, depoſed of his owne certaine notice and knoweledge, that the ſaid will was ſigned with the Kinges own hande: in caſe he ſhould afterward cõtratrie and reuoke this his ſolemne depoſition, it ought not lightly to be diſcredited for any ſuche contradiction afterward happening. But, as I haue ſaid, ſuch authenticall and ordinarie examinatiõs & depoſitiõs we find not, nor yet heare of any ſuch ſo paſſed. Now cõtrariwiſe if any of the ſaid witneſſes or executours haue or ſhall before a competent Iudge, eſpecially not producted of any partie, or againſt any partie for any priuate ſuit commẽced, but, as I haue ſaid, moued of conſcience onely, and of a zeale to truth, and to the honour of God & the Realme, freely & voluntarilie diſcouer and detecte ſuche forgerie (although perchance it toucheth them ſelues for ſome thing done or ſaid of them to the contrary,) or being called by the ſaid cõpetent Iudge, haue or ſhall declare and teſtifie any thing againſt the ſame: this later teſtimonie may be well credited by good reaſon and law.

VVhereas they would nowe inferre, that either this pretenſed will was King Henries will, or that he made none at all: I doo not (as I haue ſaid) entende, nor neede not curiouſly to examine and diſcuſſe this thing, as a matter not apperteining to our principal

cipal purpose. And well it may be, that he made a will conteining the whole tenour of this pretensed will (sauing for the limitation of the Croune) and that these supposed witnesses were present, either when he subscribed the same with his own hand, or when by his cõmaundement the Stampe (of which and of his owne hand, the cõmon sort of men make no difference, as in dede in diuers other cases there is no difference, whiche these witnesses might take to be as it were his owne hand) was set to the wil.

This, I say, might after some sort so be. And yet this notwithstanding there might be (as there was in deede) an other will touching the pretensed limitation of the Croune by the Kinges owne hande counterfeyted and suborned after his death falsly and colourably, bearing the countenance of his owne hand, and of the pretensed wittnesses names. How so euer it be, it is but to smal purpose, to goe about any full and exquisite answere touching this point, seeing that neither the original surmised wil, whereof these witnesses are supposed to be priuy is extant: nor their depositions any where appeare: nor yet that it appeareth, that euer they were (as we haue said) iudicially examined.

Seeing nowe then, that if it so falleth out, that the principal will, and that whiche was by the great Seale exemplified, and in the Chancery recorded, had not (at least touching the clause of limitation & asignement of the Croune) the Kings hand to it: we neede not, nor wil not tarie about certain scrolles and copies of the said will, that the Aduersaries pretẽd to haue ben either writtẽ, or signed with his hand. A kingdom is to heauy to be so easely caried away by suche scrolles and copies. VVhen all this faileth, the Aduersaries haue yet one shift left for the last cast. They vrge the equitie of the matter and

the

the mind of the Parlament. VVhich is, they say, accomplished and satisfied, by making this assignatiō for the establishing of the succession, & prouiding, that the Realme should not be left void of a Gouernour. And therefore we must not subuert the statute, in cauilling for the defect of the Kings hand: forasmuch as the Parlament might haue had authorised his consent onely, without any hand writing. VVhiche as I doe not denie, so in these great affaires and so ample a commission, in suche absolute authoritie geuen to him, it was prouidently and necessarily foresene, to binde the Acte to the Kings owne hand, for auoyding al sinister & euill dealing, the whiche the Aduersaries would haue vs in no case to misdoubt or mistrust in this will. VVhereas the notoriousnes of the fact, & the lamentable euēt of things do openly declare the same, and pitifully crieth out against it.

Neither wil we graunt to them, that the minde and purpose of the Parlament is satisfied, for such causes, as we haue and shall hereafter more largely declare. And if it were otherwise true: yet doth this only defect of the Kinges hand breake & infringe the whole Acte. For this is a statute correctorie, and derogatorie to the commō course of the lawe, as cutting away the succession of the lawfull & true inheritours. It is also, as appeareth by the tenour of the same, a most greuouse penal lawe, and therfore we may not shift or alter the wordes of the lawe. Neither may we supply the manner and doing of the acte prescribed, by any other act equiualent. So that albe it in some other thing the Stampe or the Kinges certaine & knowen consente may counterpaise his hande: yet, as the case standeth here, it will not serue the turne, by reason there is a precise order and forme prescribed & appointed. VVerfore

VVhy the stampe can not counteruaile the Kinges hand in this case.

if

if by a ſtatue of a Citie, there be certaine perſones appointed to do a certaine acte, and the whole people do the ſame acte in the preſence of the ſaid perſones: the acte by the iudgement of learned Ciuilians is vitious, & of no valewe: yea though the reaſon of the lawe ceaſe, yet muſt the forme be obſerued. For it is a rule and a maxime, that where the law appointeth & preſcribeth a certaine platforme, whereby the Acte muſt be bound and tyed: in that caſe though the reaſon of the lawe ceaſſe, yet is the acte voyd and naught.

Ioan. Andr. in adit. ſpecul tit. de requiſit. conſul ad finem.

L. Si fundus ff. de rebus eorum. c. de rebus Eccleſiæ in 6.

And whereas the Aduerſaries obiecte againſt this rule, the Parlamentes made by Queene Marie, without the vſual ſtyle called & ſomoned: this obiection may ſone be anſwered. For it may ſone appeare to all them, that reade and pervſe the ſaid ſtatute of *Anno* 35. *Henrici octaui*, conteining the ſaid ſtyle, that by any eſpecial words therin mẽtioned, it is not there limited & appointed, that the forme of the ſtyle therin ſette foorth ſhould be obſerued in euery writ. And therfore not to be compared vnto the ſaid ſtatutes of 28. and 35. *Henrici octaui*, wherein by ſpecial wordes one expreſſe forme & order for the limiting of the ſucceſsion of the Croune by the King, is declared and ſet forth.

An anſwere to the aduerſaries, touchinge Actes of Parlament alleaged to proue, that the Kinges owne hãd was not neceſſarie to the ſuppoſed will.

Byſides that, the ſaid writtes being made both according to the auncient forme of the Regeſter, and alſo by expreſſe commaundement of the Prince, vtterly refuſing the ſaid ſtyle, could neither be derogatorie to the ſaid Queenes Maieſtie and her Croune, nor meaning of the ſaid ſtatute. Cõcerning the ſaid ſtyle, and for a final and ful anſwere vnto this matter: it is to be noted, that the writtes being the Actes of the Court, though they want the preſcript forme ſet foorth either by the cõmon law, or ſtatute: yet are not they, nor the iudgements ſubſe-

quent

quent ther vpon abated or void, but only abatable and voidable by exception of the partie by iudgemẽte of the Court. For if the partie without any exceptiõ doe admitte the forme of the said VVritte, and pleade vnto the matter, whervpon the Court doth procede: then doth the VVritte, & the iudgement there vpon following remanine good and effectual in lawe. And therefore admiting, that the said statute of 35. H. 8. had by speciall wordes appointed the said style to be put in euery VVritte, and that for that cause the said VVritts of Somons were vitious, wanting their prescript forme: yet when the parties vnto the said VVrittes had admitted them for good, both by theyr election, and also by their appearence vpon the same: the lawe doth admit the said VVrittes, & al actes subsequent vpon the same, to be good and effectuall. And yet this maketh no proofte, that therfore the said supposed will, wanting the prescript order & fourme, should likewise be good and effectual in lawe.

18. E. 3. fo 30. 3. H. 4 fol. 3. & 11. 11. H. 4. fol. 67. 9. H. 6. fol. 6. 19. H. 6 fo. 7. & 10 35. H. 6. fo. 12. 10. H. 6. fol. 16. 3. H. 6 fo. 8. 33. E. 3. fo. 13. Vide Prifot. 33. H. 6. fol. 35.

For as touching specialties, estates and conueiances, or any other externall acte to be done or made by any person, whose forme and order is prescribed, either by the common lawe, or by statute: if they want any part of their prescript forme, they are accompted in law to be of no validitie or effect. As for example: the lawe doth appoint euery Specialtie or Deede to be made, either in the first persone, or in the third persone. Therefore if parte of a Deede be made in the first person, and the residue in the third person: that Deede is not effectual, but void in the Law. Bysides that, the lawe hath appointed, that in euery Deede mentioned should be made, that the partie hath put to his Seale to the same. If therfore any Deede doth want that special clause and mention, although the partie in deede hath

9. H. 6. fol. 35. 35. H. 6. fo. 34. 40. E. 3. fol. 2.

40. E. 3. fol. 35. 21. E. 4. fo. 97 7. H. 7. fo. 15.

hath put his Seale vnto the same: yet is that Dede or Specialtie void in law.

So lykewise the lawe geueth authoritie to the Lord, to distraine vpon the land holden of him for his rentes & seruices due for the same. And farther doth appoint, to carie or driue the same distresse vnto the pound, there to remaine as a gage in lawe for his said rentes & seruices. If the Lord shal either distraine his Tenant out of his Fee or Seignory, or if he shal labour and occupie the Chatles distrained: the distresse so taken by him is iniurious & wrōgful in law, forasmuch as he hath not done according to the prescribed order of the lawe. The statute made *An.* 32. *H.*8. geueth authoritie vnto Tenant in taile and to others being seised of land in the right of their wiues or Churches, to make leases of the same: VVherin also a prescript order and forme for the same is set foorth, If any of the said persons shal make any Lease, wherin he doth not obserue the same prescribed order in all pointes, the same lease is not warranted in any point by the said statute.

9. *E.*4. *fol.* 2. 22. *E.*4 *fo.* 47. 29. *H.*6. *fo.*6. 29. *lib. Assis. P.* 64.

Likewise the statute made in Anno 27. *Henrici octaui*, of Bargaines and sales of land appointeth a forme and order for the same, that they must be by writing indented, sealed and enrolled within six monethes next after the dates of the same writings. If any bargaine and sale of land be made, wherein any of the thinges appointed by the said statute are omitted, the same is vitious and voide in the lawe. So likewise the statute made in Anno 32. H.8. geueth authoritie, to dispose landes and Testamentes by last VVil and Testement in writing. If a man do deuise his lande by his last VVil and Testament nuncupatiue without writing, this deuise is insufficiēt in law, & not warrāted by the said statute.

27. *H.*8. 6. 10.

32. *H.*8. 6. 1.

VVe leaue of a number of like cases, that we

might multiplie in the prooff of this matter wherein we haue taried the longer, bycauſe the Aduerſaries make ſo great a countenance therevpon: and bycauſe all vnder one, it may ſerue for the anſwere alſo touching the Kinges royal aſſente to be geuen to Parlamentes by his Letters Patentes ſigned with his hande: which is nothing elſe but a declaration & affirmance of the common lawe, & no newe authoritie geuen to him, to do that he could not doo before, or any forme preſcribed to bind him vnto. Beſides that, in this caſe there is no feare in the worlde of forging and counterfeyting the Kinges hande: whereas in the Teſtamẽtarie cauſe it is farre otherwiſe, as the worlde knoweth, and dayly experience teacheth. And ſo withall do we conclude, that by reaſon this ſurmiſed will was not ſigned with the Kinges hand: it can not any way hurt or hinder the iuſte right and clame of the Queene of Scotland, to the ſucceſsion of the Croune of England.

Now ſuppoſing, that neither the L. Paget, nor Sir Edward Montague, and VVilliam Clarke had teſtified or plubliſhed any thing to the infringing & ouerthrowing of the Aduerſaries aſſertiõ, touching the ſigning of the ſaid will: yet is not therby the Queene of Scotlandes title altogether hindred. For ſhe yet hath her iuſt and lawful defence for the oppugning of the ſaid aſſertion, as well againſt the perſones and ſayings of the witneſſes, if any ſhall come foorth, as otherwiſe ſhee may iuſtly require the ſaid wil to be brought forth to light, and eſpecially the ſigning of the ſame with the Kings hande, to be duely and conſideratly pondered, weyghed and conferred. She hath her iuſt defence and exeptions and muſt haue. And it were againſt al lawes, and the lawe of nature it ſelfe, to ſpoile her of the ſame. And all good reaſon geueth, that the ſaid original will

ſtanding

ſtanding vpon the triall of the Kings hande, be exhibited: that it may be compared with his other certaine and well knowen hand writing. And that other things may be done that are requiſite in this behalfe.

But yet all this notwithſtanding, let vs nowe imagine & ſuppoſe, that the King him ſelfe, whoſe hart and hand were doubtleſſe farre from any ſuch doings: lette vs yet, I ſay, admitte, that he had ſigned the ſaid will with his owne hande. Yet for all that, the Aduerſaries perchance ſhal not finde, no not in this caſe, that the Queenes iuſte Title, right and intereſt doth any thing fayle or quayle. Or rather lette vs without any perchance ſay, the iuſtice and equitie of her cauſe, and the inuincible force of trueth to be ſuche, that neither the Stampe, nor the Kinges owne hande can beare and beate it downe. VVhiche thing we ſpeake not without good probable and weightie reaſons.

The ſuppoſed will can not preiudice the Queene of Scotland, though it had ben ſigned with the Kinges owne hand.

Neither do we at this time minde, to debate & diſcourſe, what power and autoritie, and how farre the Parlament hath to doe, in this and like caſes. VVhiche perchance ſome other would here do. VVe will only intermedle with other thinges, that reache not ſo farre, nor ſo high, and ſeeme in this our preſent queſtion worthy and neceſſarie to be conſidered.

And firſt, before we enter into other matters, we aſke this reaſonable and neceſſarie queſtion, whether theſe general words, wherby this large & ample authoritie is cõueied to king Henry, muſt be as generally, and as amply taken, or be reſtrained by ſome manner of limitation and reſtriction agreable to ſuch mind and purpoſe of the Parlament, as muſt of very neceſsitie or great likelihod be conſtrued, to be the very mind and purpoſe of the ſaid Parla-

ment Ye wil say perchance, that the power and authoritie of assignation must be taken generally and absolutely, without exception, saving for the outward signing of the wil. Trueth it is, there is nothing els expressed: but yet was there some thinges els principally intended, and yet for all that, needed not to be specified.

The outward manner was so specially and precisely appointed and specified, to auoyde suspitious dealing, to auoide corruption and forgery. And yet was the will good and effectual, without the Kinges hande. Yea and the assignation to had ben good, had not that restrainte of the Kinges hande bene added by the Parlament. But for the qualification of the person to be limited and assigned, and so for the necessarie restriction and limitation of the wordes, were they neuer so large & ample: there is (though nothing were spoken thereof) an ordinary helpe & remedie. Otherwise, if the Realme had ben set ouer to a furious or a madde man, or to an idiote, or to some foraine and Mahometical Prince (and to such a one as stories testifie that King Iohn would haue submitted him selfe & his Realme) or to any other notorious incapable or vnhable person: the generalitie of the wordes seeme to beare it, but the good minde and purpose of the Parlament, and mans reason doe in no wise beare it. If ye graunt, that these wordes must nedes haue some good and honest construction and interpretation, as reason doth force you to graunt it: yet will I aske further, whether as the King cutte of in this pretensed will the whole noble race of the eldest sister, and the first issue of the yongest sister: so if he had cutte of also al the offsprinnges as wel of the said yongest sister, as of the remnante of the royal blood, & placed some, being not of the said blood, & perchace otherwise vnable:

Ther must needes be some qualification and restraint of the general wordes of the statute.

Matthæus Pariſienſis in Iohan.

vnable: this aſsignation had bene good and vailable in lawe, as conformable to reaſon, and to the mind and purpoſe of the Parlamēt? It were ſurely to great an abſurdity, to graunt it.

There muſt be therefore in this matter ſome reaſonable moderation and interpretation, as wel touching the perſones comprehended within this aſsignation, & their qualities, & for the perſons alſo hauing right, & yet excluded, as for the manner of the doing of the act, & ſigning the wil. For the king as King, could not diſpoſe the Croune by his will: & was in this behalfe but an Arbiter and Cōmiſsioner. VVherefore his doinges muſt be directed and ruled by the lawe, & according to the good minde and meaning of thoſe, that gaue the authoritie. And what their minde was, it will appeare well enough, euen in the ſtatute it ſelfe. It was for the auoiding of all ambiguities, doubtes and diuiſions, touching the Succeſsion. They putte their whole truſt vpon the King, as one, whome they thought moſt earneſtly to minde the wealth of the Realme: as one that would, and could beſt and moſt prudently conſider and weigh the matter of the Succeſsion, and prouide for the ſame accordingly.

If the doinges of the King do not plainely and euidently tende to this ende and ſcope: if a Zealous minde to the common wealth, if prudence & wiſdome did not rule & meaſure all theſe doinges: but contrariewiſe partial affection and diſpleaſure: if this arbitrement putteth not away all contentions and ſtriffes: if the mind and purpoſe of the honorable Parlament be not ſatiſfied: if there be diſhonorable deuiſes & aſsignements of the Croune in this will and Teſtament, if there be a new Succeſsion vnnaturally deuiſed: finally if this be not a Teſtament and laſt will, ſuch as *Modeſtinus* defineth: *Teſtamentum* *L. 1. ff. qui Teſtamēta facere.*

The Definition of a Testament.

mentum est iusta voluntatis nostræ sententia de eo, quod quis post mortem suã fieri velit: then though the Kinges hand were put to it, the matter goeth not altogether so wel & so smothe. But that there is good and great cause further to consider and debate vpon it, whether it be so, or no: let the indifferent, when they haue wel thought vpon it, iudge accordingly.

The Aduersaries them selues can not altogether denie, but that this Testament is not correspondēt to such expectation, as men worthely should haue of it. VVhiche thing they do plainly confesse. For in vrging their presumptions, whereof we haue spoken and minding to proue, that this wil, whiche they say is commonly called King Henries VVill, was no new VVil deuised in his sicknes but euen the very same, whereof (as they say) were diuers olde copies: they inferre these wordes, saying thus.

For if it be a newe will then deuised, who could thinke, that either he him selfe would, or any man durst haue moued him, to put therin so many thinges contrary to his honour? Much lesse durst they them selues deuise any newe succession, or moue him to alter it, other wise then they found it, when they saw, that naturally it could not be otherwise disposed. VVherein they say very truely. For it is certaine, that not only the common lawe of that Realm, but nature it selfe telleth vs, that the Quene of Scotland (after the said Kinges children) is the next and rightful Heire of the Croune. VVherefore the King, if he had excluded her, he had done an vnnatural act Ye will say, he had some cause to doo this, by reason she was a forainer, and borne out of the Realme. Yet this notwithstanding he did very vnnaturally, yea vnaduisedly, inconsiderately and wrongfully, and to the great preiudice and danger of his owne Title to the Croune of France, as we haue already declared.

And

And moreouer it is well to be weighed, that reaſon, and equitie, and *Ius Gentium*, doth require & craue, that as the kings of that Realm would thinke them ſelues to be iniuriouſly handled and openly wronged, if they mariyng with the heires of Spaine, Scotland, or any other Countrey (where the ſucceſſion of the Croune deuolueth to the woman) were ſhutte out, and barred from their ſaid right due to them by the wiues (as we haue ſaid:) ſo likewiſe they ought to think of womé of their royal blood, that marie in Scotland, that they may wel iudge and take them ſelues muche iniuried, vnnaturally and wrongfully dealt withall, to be thruſte from the ſucceſsion of that Croune, being thereto called by the nexte proximitie of the royal blood. And ſuch deuolutions of other Kingdoms to the Croune of England by foraine mariage, might by poſsibilitie often times haue chaunced, and was euen nowe in this our time very like to haue chanced for Scotland, if the intended mariage with the Queene of Scotland that nowe is, and the late King Edward the ſixt with his longer life, & ſome iſſue had taken place.

But now, that ſhe is no ſuche forainer, as is not capable of the Croune, we haue at large already diſcuſſed. Yea I will now ſay farther, that ſuppoſing the Parlament minded to exclude her, and might rightfuly ſo doe, and that the King by vertue of this ſtatute did exclude her in his ſuppoſed will: yet is ſhe not a plaine forainer, and incapable of the Croune. For if the lawfull heires of the ſaid Ladie Francis, and of the Ladie Eleonour ſhould happen to faile (whiche ſeeme now to faile, at the leaſt in the Ladie Katherin and her iſſue, for whoſe title, great ſturre hath lately ben made, by reaſon of a late ſentéce definitiue, geuen againſt her pretenſed

mariage with the Earle of Herford) then is there no ſtay or ſtoppe, either by the Parlament, or by the ſuppoſed VVill, but that ſhe the ſaid Quene of Scotlande, and her Heires, may haue and obteine their iuſt Title and clame. For by the ſaid pretenſed will it is limited, that for default of the lawfull Heyres of the ſaid Ladie Francis & Elenour, the Croune ſhall remaine and come to the next rightful Heires.

But if ſhe ſhall be ſaid to be a forainer for the time, for the induction of farther argument; then what ſaye the Aduerſaries to the Ladie Leneux, borne at Herbottel in England, and from thirtene yeares of age brought vppe alſo in England, and commonly taken and reputed as well of the King and Nobilitie, as of other, the lawefull Neece of the ſaid king? Yea to turn now to the other ſiſter of the King maried to Charles Brādon Duke of Suffolke, and her children, the Ladie Francis, and the Ladie Eleonour: whv are they alſo diſherited? Surely, if there be no iuſt cauſe, neither in the Lady Leneux, nor in the other: it ſeemeth the King hath made a plaine Donatiue of the Croune. VVhiche thinge whether he could doe, or whether it be conformable to the expectation of the Parlament, or for the Kinges honour, or for the honour of the Realme, I leaue it to the further conſideration of other.

Nowe, what cauſes ſhould moue the Kinge, to ſhutte them out by his pretenſed will from the Title of the Croune: I minde not, nor neede not (eſpecially ſeeing I take no notice of any ſuche will, touching the limitation of the ſaid Croune) here to proſecute or examine.

Yet am I not ignorant, what impedimentes many doo talke of, and ſome as well by printed, as vnprinted Bookes, doe writte of. VVherein I will not take vpon me any aſſeueration, any reſolution or

iudge-

iudgement.

This onely will I propound, as it were by the way of consideratiō, duely & depely to be wayghed and thought vpon: that is, for as muche as the benefitte of this surmised will tendeth to the extrusion of the Queene of Scotland, and others altogether, and to the issue of the French Queene: whether in case the King had no cause to be offended with his sisters the Frenche Queenes Children (as the Aduersaries them selues confesse he had not, and that there was no lawfull impediment in them, to take the succession of the Croune) it were any thing reasonable, or euer was once meant of the Parlamēt, that the King without cause should disherite and exclude them from the title of the Croune. On the other side, if ther were any such impedimēt (whereof this surmised will geueth out a great suspicion) it is to be considered, whether it standeth with reason and iustice, with the honour of the king, and the whole Realme, or with the minde, purpose and intente of the said Parlament, that the King should not onely frustrate and exclude suche, whose right by the common lawe is moste euidente and notoriouse, but call and substitute suche other, as by the same lawe are plainely excluded. In consideration whereof many notable Rules of the Ciuil lawe doo concurre.

L. si pater. ff. Quæ in fraud credit. L. fili. fami. ff. de Donat.

First, that who soeuer geueth any man a generall authoritie, to do any thing, seemeth not to geue him authoritie, to do that thing, whiche he would not haue graunted, if his minde therein had bene seuerally and specially asked and required. Againe, generall wordes either of the Testatours, or of such as make any contract, & especially of statutes, touching any persons, to doe or enioy any thing, ought to be restrained and referred to hable, mete, and

L. 1. 6. quæres pign. l. obligation. ff. de pigno. c. in gener. de Regum iuris in 6. L. quidā. ff. de ver. sig. L. vt grad.

and capable persons onely.

Q. 1. de numer. & hono. L. permittẽdo cũ notatis. ff. de iure dotiũ.

It is furthermore a rule and a Principle, that statutes must be ruled, measured and interpreted, according to the minde and direction of the generall and common lawe. VVherefore the King in limiting the succession of the Croune in this sorte, as is pretended, seemeth not to answere and satisfie the expectation of the Parlament: putting the case there were any suche surmised impediment, as also on the other side likewise, if there were no suche supposed impediment.

In geuing generall authoritie, that seemeth not to be comprised, that the partie vvould not haue graunted, being specially demaunded.

For here an other rule must be regarded: which is, that in Testaments, Contractes, and namely in statutes, the generalitie of wordes must be gently and ciuily moderated, and measured by the cõmon lawe, and restrained, when so euer any man should by that generalitie take any dammage and hurte vndeseruedly. Yea, the Statute shall rather in that casse ceasse and quaile, and be taken as void. As for example, it appe eth by the Ciuill lawe, that if it be enacted by statute in some Cities, that noman shall plead: against an Instrument, no not the Executour: yet this notwithstanding, if the Executour make a true and perfect Inuentorie of the goodes of the Testatour, if he deale faithfully and truely, rather than he should wrongfully and without cause paie the Testatours debt of his owne, he may come and pleade against the Instrumẽt. VVherefore the kings doings seeme either muche defectiue in the said Ladie Francis, & Ladie Elenour, or much excessiue in their children. And so though he had signed the said will with his hand: yet the said doings seme not conformable to the mind and purpose of the Parlament.

Nopall. L. fin. Q. in computatione. De iure deliber. & ibi notat Alciat. in l. 1. de ver. significat.

VVe will now go forward, and propound other great and graue cõsiderations seruing our said purpose

poſe and intent. VVhereof one is that in limiting the Croune vnto the heires of the bodie of the Lady Francis, the ſame Ladie then, and ſo long after liuing, the ſaid King did not appoint the Succeſsiō of the Croune, according to the order & meaning of he honorable Parlament: foraſmuch as the ſaid Acte of Parlament gaue to him authoritie, to limite and appoint the Croune to ſuch perſone, or perſones in reuerſiō or remainder, as ſhould pleaſe his Highnes. Meaning thereby ſome perſone certaine, of whome the people might haue certaine knowledg & vnderſtanding, after the death of king Henrie the eight. VVhich perſones certaine the heires of the Ladie Francis could not by any meanes be intended: foraſmuch as the ſaid Ladie Francis was then liuing, and therfore could then haue no heires at al. By reaſon whereof the people of that Realme could not haue certaine knowledge and perfit vnderſtanding of the Succeſsion, according to the true meaning & intent of the ſaid Acte of parlamēt.

11.H.4.fo 72.9.H.6 fo.24.11. H.6.fol. 15.

But to this matter ſome peraduenture would ſeeme to anſwere and ſay, that although at the time of the ſaid King Henries death, the Heires of the bodie of the ſaid Ladie Francis begotten, were vncertaine: yet at ſuche time, as the ſaid remainder ſhould happen to fal, the ſaid heires might then certainly be knowen. In deede I will not deny, but that peraduēture they might be then certainly knowen. But what great miſchiefſes and incōueniēces might haue enſued, and yet may, if the wil take place vpō that peraduenture & vncertaine limitation: I would wiſhe all men well to note and conſider.

It is not to be doubted, but that it might haue fortuned, at ſuch time as the remainder ſhould happen to fall to the ſaid heires of the Ladie Francis, the ſame Ladye Francis ſhould then be alſo liuing:

who

who, I pray you, then ſhould haue had the Croune? Paraduenture ye wold ſay, the heires of the body of the Ladie Eleonour, to whome the next remainder was appointed. Vndoubtedlye that were contrarie to the meanyng of the ſayde ſuppoſed will: forſomuch as the remainder is therby limited vnto the heires of the body of the Ladie Eleonour onely for default of iſſue of the Ladie Francis. VVherby it may be very plainly gathered vpō the ſaid ſuppoſed wil, that the meaning therof was not, that the children of the Lady Eleonour ſhould enioye the Croune, before the children of the Lady Frācis. But what if the ſaid Lady Eleonour had bene then alſo liuing (which might haue happened, foraſmuchas both the ſaid Ladie Francis and Ladie Eleonour, by common courſe of nature, might haue liued longer, then vntil this day) who then ſhould haue had the Croune? Truly the right Heire (whome this ſuppoſed will meante to exclude) ſo long as there ſhould remaine any iſſue, either of the body of the ſaid Ladie Francis, or of the bodie of the ſaid Ladie Eleonour lawfully begotten. And therefore quite contrarie to the meaning of the ſaid ſuppoſed will, wherefore I doe verely thinke, that it would hardly ſinke into any reaſonable mans head, that had any experience of the great wiſdome and aduiſed doings of King Henry the eight about other matters being of nothing like weight, that he would ſo ſlenderly and ſo vnaduiſedly diſpoſe the ſucceſsione of the Croune (wherevpon the whole eſtate of that Realme doth depend) in ſuche wiſe, that they, to whome he meant to geue the ſame by his wil, could not enioye it by the lawe. VVherevpon ye may plainely ſee, not onely the great vnlikelihod, that King Henry the eight would make, any ſuch wil with ſuch ſlender aduiſe,

but

but alſo, that by the limitation of the ſaid will, the ſucceſſion of the Croune is made more vncertaine and doubtfull, then it was before the making of the ſaid Actes of Parlament. VVhich is contrary to the meaning and intent of the ſaid Actes, and therfore without any ſufficient warrant in law.

But peraduenture ſome here will ſay, that although theſe daungers & vncertainties might haue enſewed vpō the limitation of the ſaid wil: yet forasmuch as they haue not happened, neither be like to happen, they are therefore not to be ſpoken of. Yeas verely, it was not to be omitted. For although theſe things haue not happened, and therefore the more tolerable: yet foras muchas they might haue happened, by the limitation of the ſaid ſuppoſed will, contrary to the meaning of the ſaid Actes, the will can not by any meanes be ſaid to be made according to the meaning and intent of the makers of the ſaid ſtatutes. And therefore in that reſpect the ſaid will is inſufficient in lawe. And to aggrauate the matter farther, ye ſhall vnderſtand of great inconueniences and imminent daungers, which as yet are likely to enſue, if that ſuppoſed will ſhould take place.

It is not vnknowen, but that at the time of the making of the ſaid will, the ſaid Lady Frācis had no iſſue male, but onely three daughters betwene her, & Henrie Duke of Suffolke. Afterward in the time of the late ſoueraigne Lady Queene Marie, the ſaid Duke of Suffolke was attainted, and ſuffered accordingly. After whoſe death the ſaid Ladie Francis, to her great diſhonour and abaſing of her ſelfe, toke to huſbande one Adrian Stokes, who was before her ſeruant, a man of very meane eſtate and vocation, and had iſſue by him. VVhiche iſſue (if it were a ſonne, & be alſo yet liuing) by the wordes of the

ſaid

ſaid ſuppoſed will, is to inherite the Croune of that Realme, before the daughters betwene her and the ſaid late Duke of Suffolke begotten, whiche thing was neither intended, nor meant by the makers of the ſaid Actes. VVho can with any reaſon or cómõ ſenſe thinke, that al the ſtates of the Realme aſſembled together at the ſaid Parlament, did meane, to geue authoritie to King Henry the eight, by his letters Patents or laſt will to diſherit the Queene of Scotland linially deſcended of the blood royal of that Realme, and to appoint the ſonne of Adrian Stokes, then a meane ſeruing man of the Duke of Suffolks, to be King & Gouernour ouer that noble Realme of England. The inconueniences whereof, as alſo of the like that might haue followed of the pretenſed Mariage of M. Keies the late Sergeante Porter, I referre to the graue conſiderations and iudgementes of the honorable and worſhipfull of that Realme.

Some peraduenture will ſay, that King Henry the eight meant by his will, to diſpoſe the Croune vnto the Heires of the body of the ſaid Ladie Francis by the ſaid Duke lawfully begotten, & not vnto the heires by any other perſon to be begotten. VVhich meaning although it might very hardly be gathered vpon the ſaid ſuppoſed will: yet can not the ſame be without as great inconueniences, as the other. For if the Croune ſhould now remaine vnto the heires of the bodie of the ſaid Ladie Francis by the ſaid Duke begotten: then ſhould it remaine vnto two daughters ioyntly, they both being termed and certainly accompted in law but one heire. And by that meanes the ſtate and gouernment of that Realme ſhould be changed from the auncient Monarchie, into the gouernement of many. For the Title of the Ladie Francis being by way of remainder

der, whiche is cõpted in law a ioynt purchaſe, doth make all the iſſue female inheritable a like, and can not go according to the aunciẽt law of a deſcent to the Croune: which is, that the Croune by deſcent muſt go to the eldeſt daughter only, as is aforeſaid. For great differences be in law, where one cometh to any Title by deſcent, and where, as a purchaſſor. And alſo if the one of thoſe iſſues female dye, then were her heire in the Title, as a ſeueral tenant in tayle. And ſo there ſhould follow, that ſo many daughters, ſo many general Gouernors, & ſo might their iſſue, being heirs femals, make the gouernmẽt grow infinite. VVhich thing was moſt farre frõ the meaning of the makers of that Acte of Parlament.

VVhat if the ſaid King had by his laſt will diſpoſed that realme into two or three parts, diuiding the gouernement thereof to three perſons, to rule as ſeueral Kinges: as for example, wales vnto one, the Northe partes vnto an other, the South partes vnto the third, and by that meanes had miſerably rent that Realme into partes? Had this bene according to the entent and meaning of the ſaid Acte of Parlament? Or had it bene a good and ſufficient limitation in law? No verily, I thinke no man of any reaſonable vnderſtanding wil ſo ſay. And no more can he either ſay, or thinke of the remainder limited vnto the heires of the body of the ſaid Lady Francis by the ſaid ſuppoſed will.

Now to complete and finiſh this our Treatiſe touching the Queene of Scotlãds Title to the ſucceſſion of the Croune: as we haue done, ſo let vs freely and liberally graunt the Aduerſaries that, whiche is not true, that is, that the ſaid ſuppoſed wil was ſigned with the kings own hand. Let the heires of the Lady Frãcis come forth in Gods name, & lay forth to the world their demaund & ſuppoſed right

againſt

againſt the ſaid Q. of Scotlãds intereſt. The Queene on the other ſide, to fortifie & ſtrẽghten her clame, layeth foorth to the open ſight of all the worlde her iuſt title and intereſt, ſigned, and alwaies a fore this time allowed, not onely as with the Seales, but with the othes alſo of al the kings, that euer were in England, taken at the time of their Coronation, for the continuance of the lawes of that noble Realme of England, ſigned and allowed, I ſay, almoſt of all the world byſides: yea ſigned with God and natures owne fingers. Her right is as open, and as clere, as the bright Sonne. Now, to darken and ſhadow this glorious light: what doe the heires of the ſaid Ladie Frãcis, or others bringe foorth, to ground their iuſt clame and demaund vpon? VVhen all is done, they are faine to runne and catche hold vpõ king Henry the eightes written will, ſigned with his owne hãde. VVel, let them take as good handfaſt thereon, as they can: but yet lette them ſhewe the ſaid Queene the ſaid original will. It is well knowen, that they themſelues haue ſaid, that that to doe they can not: Yet let them at leaſt lay forth ſome authentical record of the ſame. It is alſo notorious, that they can not. If then the foundation of their clame, being the will of ſuch a Prince, & of ſo late and freſh memorie made, neither the original, nor yet any good and woorthy Recorde ſufficiently authoriſed, remaine of the ſame: by what colour will they exclude the ſaide Queene? They muſt clame either by proximitie of blood, or by Charter. For the firſt, nature hath excluded thẽ: Charter thei haue none to ſhew.

They wil perchaunce crie out, & cõplain of the loſſe and imbeaſeling of the ſame, and ſay, that ſuch a caſualtie ſhould not deſtroye and extinguiſh their right. This were ſome thing perchaunce, if it were in a priuate mans caſe. It were ſomewhat, if their

demaund

demaund did not destroy the common law, and the lawe of nature also. It were somewhat, if their supposed Charter were perished, or by any frauduient meanes intercepted by the said Queene. Vpon whome, in this point, it is not possible to fasten any the very least sinister suspicion. It were somewhat, if they did not aspire to take gaine and lucre, or if the Queene sought not to auoide dammage. For dammage it is, when any person is spoiled of any right due to him by lawe and reason. And there is a great oddes in the consideration of the lawe and reason, betwene aduancing our gaine (& gaine wee do that, that doth grow & accrew vnto vs by mere gifte or legacie, as doth the Croune, to these competitours and Heires of the Lady Francis) and eschewing dammage and losse. And losse the lawe accompteth to be, whē we are defeated of our Auncestours inheritance. So that both being put in the indifferent balance of reason, lawe & conscięce: the dammage shall ouerweigh the mere lucre & gaine. Yea, I wil say more, that in case either the sayed Queene of Scotlande, or any other were in possession of the Croune, hauing no right to the same: yet if the issue of the Lady Francis had no further, nor better right, than these pretended writings, the defendants cleauing to the only possession, were false and sure, and were not bound to shew to them their Title. For it is a rule of the lawe, that if the Plaintife faile in his prooffe, the Defendant shalbe discharged: yea, though he haue no better right, than bare and naked possessiō. Neither could they any thing be releeued, though the pretensed Recorde of the Chācerie were yet extant, not for such cause only, as we haue specified, but for diuers other. For it may well be doubted, though the said Recorde might beare a sufficient credit among the subiectes of that

Non est parui lucra non capere, & damna sentire. L. fin C. de odiil &c. I. Proculus ff. de dāno infect. Inst de legat. Si res.

L. qui accusare C. de eden. do ad commodum inst. de indiēl.

Realme, whether it may beare the ſame againſt one that is no ſubiect.

L. ſi quis in aliquo documento C. de edendo.

Againe it is a rule, that the publike Inſtrument, making mention of an other, doth nothing proue againſt the partie, in reſpecte of any thing ſo mentioned, vnleſſe the original it ſelfe be produced. If therfore theſe competitours haue loſt their inſtruments and Euidences, where vpon they muſt of neceſsitie build their demaund and Clame, to the excluſion of an other notorious right and Title: they muſt beare the diſcommoditie therof, that ſought thereby their lucratiue aduancement and commoditie: and not the perſon, that demaundeth nothing els, but that to him lawfully and orderly is due.

Yea, they, and wee to, haue good cauſe to think, that this thing (in caſe any ſuche will were) is wonderfully wrought by Gods permiſsion and prouidence. For it is almoſt incredible, to hoare and beleeue, ſuch kinde of writtings (and in ſo great & weightie a matter, as this pretenſed will cõpriſeth) to be ſo ſone extinguiſhed, and periſhed, as it were, for ſpecial purpoſe, to preſerue to that noble Realm the true and ſincere ſucceſsion of the next royal blood. VVhich if it ſhould, by certaine (I can not tel what) interlined papers & ſcrolles be deriued and transferred to any other wrongfull heires: it woulde be a wonderfull and ſtrange thing to the worlde to heare, and too importable to that nation of England and their poſteritie, to beare it. It will then be ſo farre of. that that thing whiche the Parlament moſt regarded in this Commiſsion, ſhal by this pretenſed will be procured and purchaſed to that Realm, as to haue a certaine knowen vndoubted lawfull Gouernour and King: to haue ſtriffe, contention & diuiſions for the Croune cut awaye: that euen the very thing that the Parlament

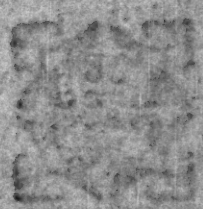
moſt

moſt feared, is moſt vnfortunately & moſt lamentably like ſooneſt to chaunce. He that remẽbreth the tragical procedings of the laſt (by name, and not by right) King Richard: needeth not greatly to doubt: but that as he could finde in his hart, to baſtard his eldeſt brother and lawfull king, and to defame his own natural mother as an harlot: euen ſo now there will ſome be found, that wil eaſely be enduced, for aduancing & ſetting forth of their ſuppoſed right and Title to the Croune, to ſeeke meanes, to wring them out that ſhal iuſtly ſit in the royal Throne, & to ſeeke to extort the Croune from their poſſeſſion.

VVhich vnhappy day, if it ſhould once chaunce (as God forbid) then may the Engliſh nation cri out, and ſing a woful & doleful ſong: then may the (not without cauſe) loke for the botomeleſſe Ocean ſea of infinite troubles, miſeries and miſchieffes to ouerwhelme that Realme.

The whiche my mind and harte
abhorreth to thinke vpon,
and my penne in my hand
trembleth to write
thereof.

Finis.



AN EXHORTATION TO THE ENGLISH AND SCOTTISHE NATIONS, THAT AFTER SO LONG warres, they wolde now at last agree, and ioyne together in one true league of fast frendshippe and amitie.

IF VVE VVELL REMEMBER the manifold hurtes, and olde calamities of this our Yland Britaine: we shall finde that nothing therein hathe brought foorthe more harmes than hathe discorde: And on the other side, all auncient histories testifie that by concorde Cities haue bene builded: many warres extincte, and most inuiolable frendeshippes establyshed. For suche is the force of Concorde, as all thinges in the worlde therby doe (as it were) ioyne handes together with loue and lykinge amonge them selues. Concorde dyd associate mankynd togither, whiche before were dispersed and scattered: So dyd she teache them to vse fidelitie one to an other, and to lyue vnder a forme of policie and Gouernement. In like manner, Concorde keepith in a league of loue and amitie all nations, as Frensh, Spanishe, Duche, and the rest: appointing to euerye one (according to the diuersities of matter and place) a seuerall Prince, to maynteane amonge them one forme of a publicke weale, and to Gouerne the same in peace and tranquillitie. Therfore that wyse man Lycurgus being demaunded of his countriemen the Lacedemonians by what meanes they myght expell the violent inuasions and inrodes of their enemies: aunswered very discreetlie: if you wil lyue (said he) in amitie among your selues:

and

and auoyd all mutuall ſtryfe & contention. Lyke anſwer was made to Scipio ſurnamed Aphrican: who, hauing by many conflictes daunted the Numantines, and broken their great forces, aſked of Tyreſius Prince of the Celtanes, how it happened that Numantia whiche ſo long tyme before had bene inuincible, was at the laſt ouerthrowen: bycauſe (ſayd Tyreſius) the amitye and concorde of the Citizens before made them victorious, and nowe their diſcorde hath brought their deſtructiō. For as there is nothing ſo weake, & ſlender, whiche by concorde may not be ſtrengthened: ſo nothing is ſo ſtrong, but diſcorde can ouerturne it. And it is manifeſtlye knowne what famouſe common welthes haue bene defaced and ruyned by diſcorde and ſedition: and that no Empire is ſo wel fortified, no Citie ſo ſurely eſtabliſhed, nor houſe ſo firmelye builded, but that by hatred and diſſention it may be ouerturned, pulled in pieces, diſmēbred, and deſtroyed For diſcord (as Liuie ſayeth) maketh two Cities of one. VVe ſee how the controuerſie bettwene the two brothers Ariſtobulus and Hircanus brought the kingedome of Iewes in ſubiection to the Romanes; whiles the one called in Pompey for ayd againſt the other. Euenſo the diſſention of Chriſtian Princes tranſlated the Empire of Conſtantinople to the Tirāny of turkes. Yea all Syria was by the noble Duke Godfrey of Bullon recouered, and had bene ſubmitted to Chriſtianes, if a ſuddain diſcorde had not fruſtrated their victorie. Sythe then vnanimitie in loue & frendſhippe is of ſuch importance, as therevpon the ſafetie of a common wealthe dependeth: we muſt endeuour our ſelfes with all induſtrie and trauaile to cheriſhe, defend, and reteyn concorde among vs.

Now therfore when I deeply conſider with how

how many and howe greate benefites and singular guiftes allmightie God hathe endewed your Yland Britaine aboue many other Countries: I can not but greatly meruaile, what should be the cause whie you are not more carefull to confirme a perpetuall peace and amitie among your selues. For you want but this one thinge to make you seeme the most happie people in the worlde. This Yland is so full fraught with all thinges necessarie to mannes vse, as nothing is there wanting, whiche a man may well wishe for. First, it is furnished with great store of all thinges nedefull, eyther for mannes profit, or for his pleasure: in so much as not only it hath no need of helpe of other Countries, but it is also able to supplie the wantes, and to serue the turne of forreyners. And all this fertilitie and welthe (as in a strong Yland enuironed euery waye by sea) is sufficiently fenced and fortified, by the naturall situation, from all foraine incursions & inrodes. Byside all this, the commoditie of soyle and eyr (be it spoken without offence of other nations) bringeth foorth menne and women, eyther in respect of comelynesse of personage, strengthe of bodye, or excellencie of witt, so perfect, as elsse where in any place are hardlie to be found. Britaine therfore may well be accompted an Yland framed by nature and fashioned not only to defend it selfe, but also to beare a great swaye in the worlde: And not without cause: for the Yle Crete was (in aunciēt mennes opinion) estemed to be conueniently situated to get and gayne the Empire of Greece, by cause it was euery waye enclosed by sea, being not farre distant from Peloponese of one syde, & very neare to Triopio, on an other side. And by that oportunitie Minos King of Crete became Lord and Soueraign of those seas: inuaded the yles adioyning: placed in them new inhabitātes,

and if he had not dyed (as Aristotle saithe) when he went about to conquerre Sicilia: he was lyke to haue greatly enlarged the kyndome and dominions of Crete. But in how many degrees doeth your Yle excell Crete? It is not to be doubted, but that your auncestors had achiued famouse interprises, with great honour, if their naturall helpes, and valiant attemptes had not bene frustrated by their Ciuile dissentions.

VVell, reason persuadeth me that a speciall occasion of all your dissentions procedeth from the multitude of Gouernours, and from diuersitie of opinions, and parties among the communaltye: for the regiment of many is verie muche subiecte to stryfe and dissention. Therfore Aristotle, regarding that consonant & vniforme agrement of all thinges whiche appeareth in the whole frame of the world, settyth downe this, for a conclusion, *the vvorld vvas made by one God*. And Homere poetically imagining that there were many Goddes contendyng among them selues about the welfare, and wrecke of Troye, whiles some were of opinion to destroye the Citie, and some to saue it at last he breaketh out into this exclamation: *The regiment of many is not profitable, let one Gouerne.* For where the state is suche as many may beare the swaye: there oftentimes many controuersies doe growe, and verie harde it is for a societie to stand fast and continue: bycause the more a man excedeth in haughtinesse (or fiercenesse rather) of mynde, lesse able he is to endure a compere: according to that sayeing of the Poet.

There is no faithe in peeres of Royall state,
For none that rules can friendlye brooke a mate:
Neyther can Cæsar yeeld to any one,
Nor Pompey lyke, but aye to rule alone.

These & such like contentions among your Princes

ces haue muche hindered and disturbed your peace more than two thowsand yeres. In so much as their inordinate desire to rule (whiche is the very seminarie and sede plott of all warres) is by your Riches nouriſhed, and with your great trauailes, paines, and bloodeſhed foſtered and maynteyned. Oh miſerable people: Oh wreched & infortunate ſtate, which neuer could brooke good fortune, neuer wolde be reformed by any neceſſitie, nor was bredde by good deſtinye, but by ſelfe will and blyndeneſſe allwayes ouerruled. Of trueth, it is mere madneſſe to preferre the luſt and gredyneſſe of a few Tyrannes before a mans ſelfe, and all that is his: and before the ſaferye and lybertie of his Countrie: As they of *Sychem* dyd, whiche vpon the diſhoneſt motion of *Abimelech* ſubmitted them ſelues vnto his gouernement. Methinkes that I heare his troubleſome and ſediouſe ſpeche. *I am your mouthe (ſayd he,) and of your fleſh & bloode: better therfore it vvere for you to take me as your king than my brothers, vvhiche are foreyners.* VVherevpon that fonde people leaned to him and to his rule and gouernement, and ſayed, *he is our brother.* Then Abimelech cruellye dyd fall vpõ the fiftye laufully borne brothers & mordered them, that he himſelfe, a baſterd, might raigne alone. Yet God afterward puniſhed that foule fact in Abimelech hym ſelfe, and requited them of Sichem as they had deſerued: for the curſe of Ioathan fell vpõ them. The lyke wickedneſſe was in England committed by that miſcheuouſe parricide, the Tyranne Richard: who (to gain the kingdom) neither regarded the honour of his brother, then lately deceaſſed: the lyues of his noble Countrie men: the blood of his nephewes, the right heires of the Croune: nor yet the Chaſtitie of their mother the Queene: ſo great and ſo impatient deſire to rule and Raigne

Iudic. 9.

caried

caried awaye the cruell mynde of an outragiouse Tyranne.

But I woote well that none of you at this day doe fauoure such aspirynge myndes & ambitiouse desirers of Souereintye, except those whiche seek their own priuate gayne, by the generall discõmoditie of the whole Yle: and preferre the doctrine of Machiauel before the institution of a Christian. I hope therfore now that the olde reproche that was wont to be obiected against the English, wilbe quite forgotten. It is a common prouerbe (sayth Polidor) that Englisn menne, by an olde custome, haue leaste regarde of all other nations to the common wealthe of their own Countrie, euer inclined to factions, and by that meanes haue layed their countrie open to the spoyle and pray of their enemies. And this to haue hapned to that nation, experience teacheth vs. For in the begynnyng of that kyngdome (as Polidor in his firste booke, reporteth) when euery mightye manne sought to be a kyng, great ciuil warres continued there so long, till at the laste the whole Soueraingntie came in to the hãdes of fyue Tyrannes. Therfore throughe domesticall trouble and sedition it was then a barbarous cruell age. For these, inflamed with ambition to rule, and incensed with mutuall hatred among them selues, afflicted the inhabitantes of that countrey miserablye. But at laste when they had destroyed one an other, the whole gouernement of the common wealthe was referred to one of the same countrey, and by hym all thinges were reduced to vnitie: and after long warres, peace was established. Cornelius Tacitus making mention of the factions of those rulers, sayeth, that the Britaines were so diuersely mynded, and distracted in suche and so many parties, as scarsely any two Cities wolde ioyne together

against

againſt a common perill: and thus, whiles one dyd ſtryue againſt an other, they went all to wrecke.

Beſyde all this, the lyke diſſention fallynge amõg your Aunceſtours, the Britaines of the South and the Britaines of the Northe (nowe called Scottes) brought the kyngdome of the one ſide vnto the Englyſhe Saxones. For theſe beyng called in by the Southern Britaines to ayd thẽ againſt the Scottiſh, turned their weapõs againſt the Southern, & ſpoyled them of theyre kyngdome. Thus by experience the Britaines found theſe wordes to be true (whiche Vigetius ſayeth) *ciuill hatred maketh menne raſhe to annoy their enemye, and heedleſſe to defende them ſelues.* But thoſe Engliſhe Saxones (when they had gotten the kyngdome) were by diſcorde and factions very ſone diuided: in ſo muche as of one kyngdome there dyd ſeuen aryſe, and ſo many kinges withall: by whoſe diſſentions the publike weale was a long while diſmembred, till at laſt after many yeres the Soueraigntie of all came to Egbert alone. He was the firſt that called the Southeparte of Britaine by the name of England. Nowe then the Engliſhe Saxones recouered a force and waxed ſtronge. Vherevpon the Scottyſhe Britaines vnder the gouernement of king Achaius (doubting that the Saxones wold ſeke to tyrannize ouer them, as they had ouer the others) entered in to a firme & perpetuall league of allyance & amitie with Charles the great, called Charlemain King of Fraunce: to the end that thoſe two nations, Frenſhe and Scottiſhe, ſhould from tyme to tyme for euer, ayde and ſuccour, one an other, againſt their common enemye. By occaſion of a lyke diſſention that fell among theſe Englyſhe Saxones, the Danes, vnder conduct of kyng Swayn, bereft the Saxones of the kyngdome of England. And at laſt the Normannes

vnder

vnder the leading of Duke VVilliam the Baſtard, cõquered the Realme of England. And ſince that tyme hitherto the whole Yland hath remained vnder the gouernement only of two kynges. VVhoe neuertheleſſe, being ſo fewe, could not yet keepe peace and concorde amonge them ſelues.

But yf a man will ſeke to know a reaſon whye Britaine can not brooke the regiment of many Soueraignes, as Germanie, Italie, and the famouſe ſtate of venice doe: he ſhall fynde (euen among them) *that there is but one vvhiche is the heade.* For thoughe the Princes of Germanie Lyue in great Libertie: yet are they neuertheleſſe all ſubiect to the authoritie of one Emperour: a thing very commodious for preſeruation of peace and concorde amonge them. And (for trueth) in Italie, there is no ſtayed forme of Gouernement, ſythe it is ſubiect to the rule and dominion, not of one, but of many: in reſpecte whereof ſome writers are of opinion that it is leſſe fortunate, if not miſerable. As for the ſtate of Venice, Conteranus hath in effect witten thus: For ſo muche (ſaythe he) as euery Citie by peace and vnion in mynde and conſent, is compact and buylt: and that this vniformitie in conſent and will can not be reteyned except ſome one perſone haue a preeminence ouer all other, aſwell magiſtrates as Commons: whiche may, as it were, of many ſeuerall diſperſed members, faſhion and frame one entyre bodye: It was therfore moſt wyſely prouided and ordeyned by our predeceſſors that in our Citie there ſhould be a certaine Royall power, & that one ſhould be choſen, which ſhould be called Prince or Soueraign. Hereupon I thynk it clear & manifeſt, that the Soueraigntie of one onlie perſone is of all other moſt neceſſarye for a common wealthe. And this playnly may be perceyued

ceyued not only in ciuil policie, but in other matters alſo. For by the prouidence of one God the whole worlde is ruled: ſo is the bodye of man by one ſoule gouerned: a ſhippe by one maſter is guyded: and one howſehold or familye is directed by one father: wherupon it foloweth, that your Yle of Britaine can not commodiouſlye be gouerned by manye Soueraignes. This affection therfore to faction and cõtentiouſe parttaking is to be of all men eſchewed and abhorred, ſpecially of thoſe whiche are brought vp in the houſe of God. For it is theyr part & dutye (all partialitie & priuate quarrells ſett a ſyde) to moue and exhort others (as Sainct Auguſtin dyd) to all thinges that among chriſtians ſerue for the aboliſhing of ſtryfe, and eſtablyſhing of concord: whiche is nothing elſe but a quyetueſſe and peace of minde, faſtened and fortifyed with the bond of loue and Charitie: and ſuche a one as hateth all enmitie, and priuye grudge, and loueth all alyke. For Charitie (as Sainct Paul ſayeth) is patient, benigne: Charitie enuyeth not, dealeth not peruerſely, is not puffed vpp, is not ambitiouſe: thinketh not euell: reioyſeth not vpon iniquitie: but reioyſeth with truthe: ſuffereth all thinges: beleueth all thinges: hopeth all thinges: beareth all thinges. Yf you embrace this ſentence: you will ſone lay aſyde all hatred: diſbourden your myndes of all diſdeyn and arrogance: and caſt away your madde armure, wherwith hitherto you haue vainly contended: and without all fraud and guyle you will eſtablyſhe a perpetuall, Chriſtian, profitable and aſſured peace, vnder the quiet and ſtedfaſt gouernement of one Prince. For ſo doeth bothe honeſtie and profitt admoniſhe vs to doe: all our own, aſwell priuate as publique affayre requyre and exact the ſame: and (whiche is more) allmightie God doeth ſo charge and com-

1. Cor. 13.

and commaunde vs all to doe.

Now then, who ſo euer repyneth againſt theſe thinges, is not to be called the childe of God: for he loueth not peace: neither ought good men to accompanie any ſuche perſones, but rather to baniſhe them and all their Scholemaſters, as moſt cruell enemyes to the Citie of God. For their doctrine deſtroyeth the foundations of the ſocietie of mankynde, & aduaunceth Tyrannie. Among theſe men there is no regarde to the ſafetye of Citezens, nor loue to their natiue countrey: no care of religion, nor of true ſeruice & obedience to God: but ſuche an inordinate deſyre to rule and raigne they haue; as will vſurpe all things, take away the Lyues of honeſt Citizens: deſtroye their Countrie, and contemne all Religion: As that fowle monſtrer *Caſar Borgias dyd*, whome a certein *Atheiſt* greatly extolleth as a moſt perfecte pattern for Princes to folowe. But for the auoyding of theſe enemyes to God and man, we haue a very wyſe admonition of the Chriſtian philoſophor Sainct Bernard. *Fear not* (ſayeth he) *that it is againſt Charitie, yf by offending one thou canneſt make peace for many.* And Tullie gyueth a good leſſon for all true Princes to take hold of: *That Loftineſſe of couraige* (ſaith hé) *vvhiche is tryed in perills, and hard aduentures, if it vvant Iuſtice, & feighte not for the publick commoditie, but for priuate gayne, is not onlye no vertue, but rather a beaſtlie furye, raging againſt all humanitie. VVe vvill therfore* (ſayeth he) *accompt them only to be ſtout and valiant men: vvhiche are good men, freendes to trueth, not deceytfull but playne dealers.* Of whiche opinion *Edvvard king* of England ſemed to be. For in his baniſhement he vſed oftentymes to ſaye, that he *had rather allvvaies liue a priuate lyfe, than to recouer his kingdome by the ſlaughter of men:* A veric excellent ſayeing truellye and wel beſeming

ſeming ſo noble a King. Let vs therfore roote out of our publick weall theſe diſturbers of common peace, that it maye more eaſily be conioyned and faſtned in an aſſured amitie and agreement. VVhich thing the better to obteyne, we muſt vſe the aduiſe and counſaile of a certein *philoſopher*. VVe affirme (ſayeth he) that, Cities are in peace and good concorde, when in publique & neceſſarie affaires they are all of one mynde, take all one aduiſe, and execute that whiche by common conſent is allowed and agreed vpon: As for example, when it pleaſeth the Citizens to appoint certeine officers, or onlye Pittacus to haue the rule ouer all: but when bothe couet to enioye the Gouernement (as Oteocles & Polynices did in Phœnicia) then ariſeth ſedition. For that ciuil concorde is in deed termed freendſhipe, whiche can not be reteyned but onely amõg honeſte men. Bycauſe ſuch as are honeſt are at peace within them ſelues and with others alſo, by reaſon that their willes abyde allwayes firme and ſteadfaſt, not ebbyng and flowenig lyke the ryuer Euripus. It happeneth otherwiſe among the wicked: for they can not long agree together: bycauſe in their manner of gouerning the cõmon welthe, they ſeke all their own Priuate commoditie, and beſtow as litle paynes expenſes & charges as they can: whervpon foloweth priuie grudges and ſeditions, whiles they endomage and hurt one an other: & euery man neglecteth his owne dutie: and ſo the commõ ſtate periſheth when none goeth about to protecte it. Thus muche the Philoſopher. But touching the frendſhip whiche we ſpeake of, it is muche more eaſelye to be procured, compact, & ratyfied among you, bycauſe all thoſe thinges concurre in you that are requiſitie and commodions to the vnion of mennes myndes and cõſent in firme loue & amitie.

For

For there is among you one ſtock and kynred, one allyance, and affinitie: one language: and almoſt one and the ſame courſe in manners, cõditiõs, cuſtomes & lawes: one and the ſame fauoure in countenance, lyke attyre, lyke behauiour in bodye, and lykeneſſe in perſonage. Yea all thinges elſe what ſoeuer, tendyng to the creation and preſeruation of a perpetuall peace and concorde, concurre and mete together among you, more fitlye than among other nations, whiche in olde tyme differed muche among them ſelfes aſwell in their natiue ſoile cuſtomes and lawes, as in their language, affinitie, and alliance, and yet at this daye neuertheleſſe are reconciled, accorded, and vnited in a ciuil conſent and agrement, vnder the regiment of one Prince. Yet ſome of you perchaunce will thinke it vnpoſſible for that people long to continue in perfect amitie, whiche in ſo many yeres and aiges haue practized them ſelues one agaynſt an other, with fyre and ſwoord, turning the worlde vpſidedown in trouble and confuſion by mutuall warres, ſpoyles, mallice, deadlie fede, morders, and all Kindes of hoſtilitie: ſithe generallie mannes nature can not ſuffer ſo great iniuries to be forgotten: & ſithe the naturall conditions of bothe thoſe nations ſeeme to be ſuche, as either of them had rather ſuffer tenne thouſand deathes than to be ſubiecte to a Prince borne in theothers prouince: bycauſe they woulde not ſeeme to be vnder ſubiection of their auncient enemye, after ſo long contention for the Soueraigntie: and ſo therfore, the Engliſhe nation will by no meanes be ſubiect to a Scottiſhe Prince: nor yet the Scottiſhe nation to an Engliſhe. And it may be that ſome wicked Atheiſt, preferring his vaineglorie, ambitiõ, and proud haughtie mynde before the good ſtate, and ſafetye of a publicke weale, woulde ſubſcribe,

perhappes

perhapes, and Yeeld to this opinion: and yet is it a verye absurde opinion and contrary to all witt and reason: euen as if one of your marriners in a great stormye tempest woulde saye that he had rather be drowned with the shyppe, than suffer it to be gouerned by any of his mates. But perhappes this felow will vrge further, and aske how it can be that the Englishe & Scottishe will agree together sithe the Scottish haue euer preferred their league of alliance with the frenche nation before the neyghbourhoode and frendshipp of the Englyshe? For in despite of the Englishe they entred in a league of frendshipp with the Frenche, seuen hundred yeres a goe and more, whiche they haue kept inuiolable to this daye. And in our dayes when there was great hope that the whole Yland wolde haue bene induced to the regiment of one Prince by the mariage of kynge Edward the sixt and the nowe Queene Marie of Scotland: The Scottes, though they had before assured her to King Edward by a common promisse, deliuered her ouer neuertheleſſe to the Kyng of Fraunce. Therfore it was their fault & not the fault of the Englishe, that the amitie so muche expected betwene them was hymdred. But touching that league which was made with the french, it was greatlye desyred bothe by the frenche and by the Scottish (as I sayd before) not in despite of the Englishe, but for theyr own safetye. For yf they had not doone so: the Scottes, aswell as the other Britaines, had bene driuen out of their countrye, by that forrein and Barbarous nation, the Englysh Saxons. And the lett of that Mariage proceded of the Englyshe: whose vse is to seek to wynne that of the Scottes by manacing wordes and force of armes, whiche they should desyre by fayr meanes, & termes of freendlye good will. And there wanteth

not occasion to suspecte that they dyd it of purpose, to the end that by breakyng of that mariage, some of them might haue a more reddye accesse to the vsurpation of the Croune of England. How soeuer it was, the Scottysh Nation was not mynded to yeeld by force, and yet scarse able to forbeare, were constreyned to craue ayde of the Frenshe: whiche they could not obteyne, onlesse they sent theyr Queene into Fraunce as an hostage for their fidelitie. But there was nothing that the Scottish nation more estemed and desyred at that day, than the vnion of those two regions by that mariage, as may well be proued by the common opinion and sayeing of the people there, before the matter was attempted by way of force and armes: *vve vnderstand the Englysh mans language* (sayd the people) *& they oures: vve inhabit all one Yland: and almost in nothing doe vvee differre, but that vve are gouerned by two seuerall Princes.* And in dede it is euidently knowne that the Scottishe Nation many yeres before dyd greatlye desyre and wyshe this manner of coniunction in amitye: and namely at suche tyme as they maried the noble Lady, Margaret, (the only heire of the croune of Scotlād, daughter of Alexander their King,) to the fyrst Kyng Edward of England. By whiche maryage those two kyngdomes had bene vnited, had not that noble virgin deceassed before she came to the fyght of her husband. Seing then the case thus standeth: there is no cause whye eyther the Englysh or Scottishe should vpbraide or reproue one an other: but they ought rather to agree all together in one voyce and consent, that (yf there were none alyue, to whome the Soueraigntie of the whole Yland by right could belonge) one generall Prince ouer all might be elected by voyce or lott: So as at last the whole weale publicque

publicque and people might enioye perpetuall peace, and be no more with partiall parttakinge, ſectes,& factions,diſturbed:Euen as wee rede that the Perſians in olde tyme verie prouidently in a like caſe vſed them ſelues.For(as Iuſtine reporteth) when they had ſlayne their Mages: great was their glorie and renowme for the recouerye of their kyngdome,but muche greater,for that in contendyng about the gouernement they coulde agree among them ſelues.There was among them many equall in vertue and nobilitie,as it was hard for the people to make an election of a gouernour.Therfore theyr nobility deuiſed among them ſelues an indifferent mean whereby to cõmit the iudgement of their woorthineſſe to their goddes.They agreed among them ſelues on a day appointed, to lead all theyr horſes before the Palace earlye in the mornyng: and that he whoſe horſe fyrſt dyd neyghe before the riſing of the ſunne,ſhould be kyng.The next day after, when all were aſſembled at the houre appointed,the horſe of *Darius* ſonne of Hydaſpes dyd firſt neygh,and gaue that happy ſigne of good fortune to his maiſter. Immediatlye the modeſtye of all the reſt was ſuche,as vpon the firſt hearing of the good notice ſo gyuen they all leapt from their horſes,and dyd theyr homage to *Darius* as to their King: andall the commons foloweing the iugement of the nobles willyngly confirmed the election,& accepted hym for theyr Soueraign. Thus the kyngdome of Perſians (wherof at one time there was ſeuen noble competitors)was in a moment reduced to the regiment of one. And this they dyd withe ſuche incredible zeale and pietie towardes theyr Countrye, as for the delyuerey therof from trouble and miſerye, they could haue bene content euery one to haue loſt his lyfe.Thus

farre Iuſtin.

Immortall is the honour and renoume of thoſe noble men, whiche willinglie preferred the welfare of their countrey before their priuate ambition. But allmightie God hathe eaſed you well of this doubt. For he hathe Laydit open before your eyes, what perſone it is, to whome the Soueraignte of the whole Yland, euen by the lawes of the realm, after the deceaſe of the now Queene of England, without laufull iſſue of her body ought to deſcend and come: I mean the moſt noble Ladye Marye, the woorthie Quene of Scotland: whoſe apparēt pietie and vnuincible conſtancie in aduerſitie, vniuerſally well knowne and talked of through the whole world doeth gyue a plain demonſtration, how vain and friuolous the Iudgment of thoſe men is, which repreſſe and reiect the Regiment of women. To this Ladye therfore may the regiment of the whole Yland at length deſcend, according as it was once before to her adiuged by the ſentence of her great graundfather Kyng Henry the ſeauenth, and of his Counſeill, as Polydor reporteth. Kyng Iames of Scotland the third (ſaieth he) dyd honorably intertein Richard Fox Byſhop of duriſme, Ambaſſadour ſent to him by Kyng Henry the ſeuēth: and at their fyrſt meting, he ſhowed hym ſelfe muche greued for the late ſlaughter of his ſubiectes, but eaſilie he remitted the iniurie. Afterward when they were together alone, the Kyng tolde hym how auncient and iuſt cauſes of frendſhipp had bene betweene Kyng Henry and hym: and how greatly he deſired the aſſurance therof, that they two myght be tyed together in a more faſt knot of loue and amitie: whiche out of doubt will folow (ſayd the Kyng) yf King Henry wolde beſtow on hym his eldeſt daughter, the Ladye Margaret in Mariage. To this

the

the Ambaſſadour anſwered coldlie, but yet promiſed his helpe and furtherance: and put the Kyng in good hope of the matter if he wold ſend an Ambaſſadour directly to that end. The Ambaſſadour vpon hys returne home reported to Kyng Henry the whole matter, whiche pleaſed Kyng Henrye wonderous well, as one whiche delyted muche in peace. VVithin fewe dayes after this, the Ambaſſadours of Kynge Iames came to requeſt the Ladye Margaret in Mariage. Kyng Henrye after audience referred the matter to his Counſeil: among whome, ſome there were whiche ſuppected that the kingdome might in proceſſe of tyme be deuolued to the ſame Ladye Margaret: and therfore thought it not good to marie her to a forain Prince: whereunto the Kyng made anſwere, and ſayd, what then? Yf any ſuche thing happen (whiche God forbid) yet I ſee, our kyngdome ſhould take no harme therby: for England ſhould not be added to Scotland, but Scotland vnto England: as to the farre moſt noble head of the whole Yland: for we ſee it ſo fallen owt in all thinges, that the leſſe is for honour ſake euer adioyned to that whiche is farre greater: as Normandie in time paſt came to be vnder the dominion and power of the Kynges of England, our aunceſtors. The Kynges Iudgement was greatly commended: the whole Counſeil approued the matter with a full conſent: and the ſayd Ladye, and virgin, Margaret was maried to Kyng Iames. Thus farre hath Polidor. Thees are woordes of great importance, & putte our matter clear out of doubt: for here it appeareth that the caſe ſolemnlie in counceil by a wyſe and prudent King, with wiſe, graue, and learned Counſeilours was debated and with great wiſedome reſolued & concluded: and to this ſome lawyers of that land gyue great authoritie & credit.

Thus it is euidently declared who are the true heires of the Crounes of Englād & Scotlād: and that the sayd mariage of Iames the fowerth and the sayd Lady Margaret is to be accompted a most fortunate benefit to the whole Yland. For if it be true (as in dede it is) that the mariage of the seuenth Kyng Henrie with the daughter and heir of King Edward the fowerth, was to be estemed as a most happie cōmoditie to all England, because it dyd cutt of and dissolue all those tumultes and seditions betwene the howses of Yorke and Lancaster which so many yeres had miserablie afflicted all that nation: I pray you what reckening is to be made of the matrimonie betwene King Iames the fowerth of Scotlād & the Ladye Margaret daughter to the King of England, sithe nowe at last by the benefit of this mariage, bothe England and Scotland may be quite reskewed and deliuered from those most mortall warres, and intestine dissentions, whiche for preheminence sake haue bene so long continewed and maintened? A happie prince therfore to Englād was King Henry the seuenth, for that by him allmightie God abolished all seditions, and vnited the two howses of yorke and Lancastre. But most fortunate & most gratiouse shall the renowmed Quene Mary of Scotland be, & her most noble sonne king Iames also, to the Englishe and Scottishe Nations: yf by them two the same God shall bringe the said twoe seuerall kyngdomes to a perfect vnitie: reduce the whole Yle of Britaine to his moste auncient estate of dignitie, and deliuer it from all ciuill warres and Barbarous crueltie.

Embrace therfore (ye Britaines of all mortall men most fortunat) and take holde of this singular great benefit, when the same by the grace of the euerliuing God shalbe bestowed vpō yow: and in the

the mean time & euer yeeld ye to him moſt hũble & moſt hartie thankes, for that he of his infinite clemency and benignitie hath at laſt produced out of both you bloodes, a Prince, by whoſe helpe your domeſticall troubles and diſſentions may be extinguiſhed: & a place left for this diuine lawe of peace and amitie to be planted, & by the ſame law a ſouereigne ſafetye, and wellfare of all the people eſtabliſhed. For the well fare of the people conſiſteth moſt chefely in peace and concord. But perpetuall peace and quyetneſſe can not be among you, except theſe two Realmes be combined and made all one. For the force of vnitie is ſuche as the preſeruation therof is the vtter moſte ende that nature intendeth. Herehence alſo groweth among men charitie, loue, & frendſhipp, ſo farre, that many mindes are become all as one: firſt to remember that they muſt be truely menne in dede: and then that they leade a good & bleſſed lyfe, whiche is the laſt ende and perfection of mankinde. Sithe therfore the matter goeth ſo: if you will folow God and the law of nature: if you deſire the ſafety and wellfare of your countrie: yf you will liue well and fortunatlie in this world, and at laſt enioie the perfect bleſſe of eternall felicitie: you muſt enforce your ſelues with all labour, induſtrie and diligence, that this diſperſed people may be called together, vnder the regiment of one rightfull Prince, and Catholique Religion of their aunceſtors. This will pleaſe allmightie God, and bring great tranquilitie, peace, & quiet to your ſelues, and to all the people of England, Scotland, and Yreland. And that it maye ſo be, lett vs all continuallie pray to almightie God the ſupreme gouernour & ruler of the whole worlde.

Amen.